

**North-West University
Potchefstroom Campus**

**EDUCATIONAL LAW BASIS FOR PARENTAL
INVOLVEMENT IN THE SCHOOL SYSTEM**

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DEDICATION

This work is dedicated to my wife, Petunia Rakgadi, my two children, Agisanang and Reneilwe, my parents, my in-laws, my sister and my late brother, Martin Mogoeledi (+ rest in peace).

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ABSTRACT

EDUCATIONAL LAW BASIS FOR PARENTAL INVOLVEMENT IN THE SCHOOL SYSTEM

Key words: Parental involvement, the Schools Act, a parent, national determinants, international determinants, Educational law, school governing body, governance, management, statutes, democratisation, capacity building and parental rights.

The rights and responsibilities of parents are viewed very seriously in South Africa in that they are emphasised by the Act of Parliament. The South African Schools Act, No 84 of 1996, places the governance of every school in the hands of parents. The parents are in this way required to perform their roles within the orbit of this Act of parliament. This study is therefore directed at analysing the Schools Act and those sections of the law are discussed which have a direct bearing on the responsibilities and the rights of parents when involved with the school. A comparison is drawn between the national determinants of yesteryears regulating parental involvement as well as the new paradigm statutes regulating parental involvement in the school system.

The findings of the literature study led to the empirical study. A questionnaire on this study comprising 46 items was developed. The subjects of this study were made up of 150 parents in the Lichtenburg District of the Department of Education in the North-West Province. The results of 137 respondents were statistically analysed. The study revealed that parents lack knowledge on the statutes relating to their involvement in the schools. Also, there are no measures taken by the schools to capacitate the parents to understand and apply the laws correctly. Finally, parents are not performing their roles adequately as is expected by the law. The findings of this study led to the recommendations on how parents could be helped to do what the law requires.

OPSOMMING

OPVOEDKUNDIG-WETLIKE BASIS VIR OUERBETROKKENHEID IN DIE SKOOLSISTEEM

Sleutelwoorde: Ouerbetrokkenheid, die Skolewet, 'n ouer, nasionale bepalers, internasionale bepalers, Opvoedkundewet, Skoolbeheerraad, bestuur, administrasie, verordeninge, demokratisering, bekwaamheidsontwikkeling en ouerregte.

Die regte en verantwoordelikhede van ouers word in Suid-Afrika in 'n baie ernstige lig beskou omdat hulle vervat is in 'n parlementêre wet. Die Suid-Afrikaanse Skolewet, No 84 van 1996, plaas die bestuur van die skool in die hande van die ouers. Van die ouers word sodoende verwag om sekere take in die spektrum van hierdie parlementêre wet te vervul. Hierdie studie is dus daarop gerig om die Skolewet te analiseer en om sekere dele van die wet wat direk verband hou met verantwoordelikhede en regte van die ouers as hulle by hulle skole betrokke wil raak, te bespreek. 'n Vergelyking word dus gedoen tussen nasionale bepalers van die verlede wat ouerbetrokkenheid reguleer so wel as die nuwe paradigma demokratisering wat ouerbetrokkenheid in die skoolstelsel reguleer.

Die bevindings van die letterkundige studie het tot die empiriese studie gelei. 'n Vraelys oor hierdie studie wat uit 46 besprekingspunte bestaan, is ontwikkel. Die proefpersone in hierdie studie was 150 ouers uit die Lichtenburgse Streek van die Onderwysdepartement in die Nooedwesprovinsie. Die uitslae van 137 respondente is statisties ontleed. Die studie het openbaar gemaak dat ouers nie oor die nodige kennis beskik wat betrekking het op hulle deelname in skole nie. By die skole is daar ook nie reëlins in plek om die ouers te ondersteun om hierdie wette te verstaan en korrek toe te pas nie. Ten slotte is bevind dat ouers nie hul rolle genoegsaam vervul soos deur die wet vereis word nie. Die bevindings van hierdie studie het tot aanbevelings gelei oor hoe ouers gehelp kan word om die vereistes van die wet te vervul.

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CHAPTER 1: ORIENTATION

1.1 INTRODUCTION

The shift to self-governance in schools has resulted in parents gaining more powers to manage the affairs of the school within the parameters of the law. Parental involvement is such a global phenomenon (Van der Westhuizen & Mosoge, 2001:190) that it is even adopted in countries such as South Africa and Singapore that have a tradition of centralised control (Bush & Gamage, 2001:39).

The trend of involving parents in school governance differs from country to country. In South Africa, the democratisation of the education system changed the scope and character of the roles and powers of parents in school governance. New educational policies and laws, such as the South African Schools Act (Act 84, 1996), give parental involvement a juridical character. In this respect, reference can be made to the drawing of the Code of Conduct, setting of mission and vision of the school, decision on admission of learners and religious observances as ways in which parental involvement achieves a juridical character. Unfortunately most parents in South Africa have never performed such functions before.

1.2 STATEMENT OF THE PROBLEM

Historically, the nature and character of the communal religion determined parental involvement. Weeto (1997:11-12) regards religion as one of the factors in the past which enhanced greater parental involvement in school activities. Parental involvement was directed by Christian principles. Christians got closer to the school to ascertain whether the school prepares their children accordingly. Baptismal vows also contributed greatly towards parental involvement. Parents undertook through baptism to educate their children (Weeto, 1997:13). However, christianity as a religion is mentioned

as one of the determinants and the reasons stated about it in this study are not conclusive. There are many non-christian parents who are totally involved and devoted to involvement.

New legal guidelines demand that all activities of school governance be based on the law. Oosthuizen (1995:59) maintains that the new school governance demands compliance to a number of legal requirements. For example, the SA Schools Act (South Africa, 1996) defines the school as a juristic person thus giving parents a legal status. This means parents can enter into legal transactions on behalf of the school. It is therefore important for all those involved in the administration of schools to have a broader understanding of the nature and purpose of the law in education (Oosthuizen, 1995:57) and to apply legal principles in a proper and acceptable way.

Shifts and changes in school governance bring many challenges to parents. Unfortunately parents are not always geared up to cope with the new challenges. Black parents especially, are unable to cope with legal challenges posed by the new legislation on school governance (Beckmann & Visser, 1999:152-160). The traditional way of participation is still prevalent in the minds of many because parent participation was restricted, in most cases, to trivial activities such as fundraising (Van der Westhuizen & Mosoge, 2001). Makoanyane (1989:44) mentions the fact that some parents, especially black parents, are illiterate. It is difficult for parents without a high level of education to honour such legal provisions as those of the South African Schools Act. It is also difficult for parents who are not employed in the public sector to honour the latter. Parents appear to be unsure of their executive authority in school governance and are apparently not aware that their powers and functions are guaranteed statutorily (Sayed & Carrim, 1997:94).

To cope with the new policy changes a help of some kind is needed (Heystek, 1999:97-112). To avoid fouling the law parents need to be capacitated. Every parent should regard himself/herself as a match referee who blows the whistle when there is foul play during the game. Such capacity building programmes will enable parents to interpret the law correctly throughout and avert unfair results. They will also be able to reduce the number of school

litigations. Beckmann and Visser (1999:158) maintain that school governing bodies need to be sensitised to realise the values underpinning school legislation.

The above shortcomings of parents are not the only barriers preventing parents to honour the legal provisions of the school governance. Managers and educators should also bear the blame. They do not share their knowledge and expertise with parents in governance. Their attitudes are not developmental. Badenhorst (1995:10) and Weeto (1997:55) blame educators for their negative attitudes towards parents. Educators in some instances regard parents as inferior, intruding and troublesome. They sometimes also ignore the decisions of the school governing body.

Research on parental involvement is diverse. Researchers look at the problems from different perspectives. Both Hlatshwayo (1996) and Makoanyane (1989) explored deeply on the uncertainties and obstacles for full parental involvement. Heystek (1999) highlights the limited involvement of black parents in school activities and investigated reasons for their non-involvement. However, none of the above researchers tackle the importance of legal principles in school governance. Keyter's research (1995), however, analyses the Interim Constitution and the White Paper on Education with regard to guidelines on school governance and may serve as point of departure for the present study. Indeed, the present research extends the work done by Keyter (1995) by dealing with parental involvement on the basis of legislation and constitution that are in place.

Therefore, the following questions arise:

- What are the educational law underpinnings of parental involvement in school governance?
- What is the practical status of parental involvement in schools?

1.3 OBJECTIVES OF THE STUDY

The objectives of this study are:

- Aim 1:** to determine the educational law underpinnings of parental involvement in school governance;
- Aim 2:** to conduct an empirical research on educational law issues relating to parental involvement in school governance; and
- Aim 3:** to provide recommendations of parental involvement in school governance within the borders of the law.

1.4 RESEARCH METHODS

1.4.1 Literature review

Primary and secondary sources were consulted (books and journals). Various searches were also conducted such as DIALOG, NAVO, ERIC and NEXUS. In the searches mentioned above the following descriptors were employed: democratic school governance, school law, juridical involvement, parent rights, legal responsibilities, capacity building and parent involvement.

1.4.2 Questionnaire

Questionnaires provide a more structured approach to gather data (Sharp & Howard, 1996:139).

1.4.3 Population and sampling

The population consisted of 150 parents in both rural and urban areas of the North West Province. Urban areas include places like Itsoseng, Lichtenburg and Coligny. Rural areas include villages like Bodibe, Sheila, Verdwaal and Springbokpan. 25 schools were randomly chosen. A two stage cluster sampling was used. Areas were randomly chosen first, and secondly schools were chosen. Twelve schools were randomly chosen from the rural areas and thirteen schools from the urban areas. From each of the school selected in these areas the random sampling of six parents was taken.

1.4.4 Statistical technique

The Statistical Consultancy Services of the Potchefstroom University for CHE was approached for help and guidance in the analysis and interpretation of the data to be collected. Mrs JW Breytenbach analysed and processed the data collected by means of the SAS-programme.

1.5 SUMMARY OF THE CHAPTER

This chapter has attempted to explain the new nature of parental involvement as a result of new legislations in South Africa such as the South African Schools Act, 84 of 1996. This Act demands that parents be part of the decision-making as well as the policy-making processes. All these responsibilities are embodied in the law. Unfortunately most of the parents have never performed such serious responsibilities before. It is, therefore, essential that every parent has a clear understanding of rights and responsibilities to interpret them correctly and to avoid fouling the law. A capacity building on teaching the parents the laws is needed.

The next chapter will deal with the educational law basis for parental involvement in the school system.

CHAPTER 2: EDUCATIONAL LAW BASIS FOR PARENTAL INVOLVEMENT IN THE SCHOOL SYSTEM

2.1 INTRODUCTION

As years, decades and centuries went by parents remain indispensable figures in the provision of education. Their roles continue to gain attention globally and this is affirmed by the volumes of academic literature on parental involvement (Weeto, 1997:4; Short, 1997:8; Griffith, 2001:1-22). In South Africa the outcomes Based Education (OBE) requires a high level of parental involvement.

Furthermore, the importance of parental involvement in South Africa is emphasised by the legal literature such as the South African Schools Act 84 of 1996 (Schools Act), which this study will focus upon. This Act of parliament endorses the importance of parents in the education system by proclaiming through section 23(9) that parents in the school governing body are to be in the majority and that a parent be the Chairperson. The Act requires from parents to promote the values and principles of the constitution, Act 108 of 1996. The role of parents in this way falls within the sphere of the law

The main focus of this study is on the educational law basis for parental involvement in the school system. To achieve the objectives of this study, the following concepts are defined and discussed to explain appropriate actions that parents should take when governing the school and also when they are involved with the school: as a parent, in governance, in management and in the school governing body. Then follows a discussion on the old paradigm of parental involvement, the new policy framework, supplementary legislation, implications of the duties and functions of the new school governing bodies, various types of education institutions, rules on compulsory education, school discipline and accountability. The chapter concludes with a summary.

2.2 DEFINITION OF CONCEPTS

2.2.1 A PARENT

The Illustrated Oxford Dictionary (1998:594) defines a parent as a person who has begotten or borne offspring or as a person who has adopted a child or who holds the position or exercises the function of a parent.

The School Act, 84 of 1996 defines a parent as:

- (a) the parent or guardian of a learner,
- (b) the person legally entitled to custody of a learner or
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school.

"Parents" in the context of this study refers to the biological parent of the learner or a legal guardian or a caregiver who has children at a particular school. These are the parents who are responsible for the child and who must and can get involved in school activities (Heystek, 1999:100). A parent can also be a caregiver i.e. a person who has spontaneously taken over the parenting role because the biological parents are incapable of caring for the children. This person is often a close relative of the child (Koch, 1998:14). "Parent" is a collective term. This chapter assumes that a parent also includes the entire parent community of a specific school in a specific environment with all the diversity which may occur in that school community.

2.2.2 GOVERNANCE

In terms of the Education White Paper 2, 1996:1, governance relates to policy determination in which the democratic participation of the school's stakeholders is essential. In terms of section 16(1) of the Schools Act, governance is vested in the school governing body. The school governing body is responsible for the governance of the school, that is, determining the policy and rules whereby the school is organised, managed and controlled. The school governing body adopts a constitution of the school, develops the

mission statement of the school and performs many duties with the aim of promoting the quality of education. Their governance responsibilities are confirmed by section 16(1) of the Schools Act.

2.2.3 MANAGEMENT

Management is defined in terms of section 16(3) of the Schools Act as the work to be undertaken by the principal under the authority of the Head of Department (HOD). The work of the principal in this instance is to organise and control teaching and learning of the school effectively. The principal is engaged in the day-to-day administration of the school. He or she performs the departmental responsibilities prescribed by the law and also manages personnel and finances.

2.2.4 A SCHOOL GOVERNING BODY

The term governing body, in terms of the Education White Paper 2, No 130 of 1996, is defined as the body entrusted with the responsibility and authority to formulate and adopt policy for each public school in terms of the national policy and the provincial education regulations. This body performs functions defined in terms of the laws, regulations and proclamations (Beckmann, 1995:68). It is a statutory body of people elected to govern a school. This body is made up out of the majority of parents of learners at the school, the school principal, educators at the school, non-educator members working at the school and learners at the school with a grade 8 class and higher. The school governing body is expected by the law to have a lot of knowledge on statutory regulation determining the involvement of parents in the affairs of the school.

From the above definitions, it may be said that this research deals with the legal positions and roles of parents in school governance and management in terms of the Schools Act. The abovementioned definitions indicate what the parents could do in terms of the law with their involvement with the school. The school governing body as a structure representing parents have maximum legal powers. For instance they determine admission policies, make submissions to the education authorities and make provisions for the

maintenance of buildings. The parent component in the school governing body stand a good chance to acquire a lot of knowledge on statutes relating to parental participation in school activities unlike ordinary parents at the school who are not members of the school governing body. Such parents, however, have the right to be involved in the affairs of the school through attending meetings of parents. They have the right to be consulted by the educators about the school activities of their children. Non-members even if some are without experience of participation and contribution in school activities. They endorse all the decisions of the school governing body. All decisions taken by the school governing body stand only through their approval. For instance, the budget cannot be finalised before it is approved by the majority of parents. Also, school fees can only be charged, or increased or decreased after they have been consulted (Bush & Heystek, 2003:132). The principals also, on the other hand, are expected by law to interact well with the school governing body to make schools the best learning centres.

It will therefore be proper for parents in the school governing bodies and principals as management agents to create a safe legal environment at schools. Knowledge and the proper interpretation of the law can help both parties to make decisions that are valid and legal. In this way parents are faced with a challenge of getting abreast of the legal provisions and principles that regulate and govern their practice in governance and management activities (Beckmann *et al.*, 1995:8-9).

2.3 NATIONAL DETERMINANTS FROM YESTERYEARS

The formal representation of parents in school governing structures was highly emphasised by the past legislations of the divided South Africa. A number of legislations emphasising parental involvement were passed, catering for parents of different population groups (Lemmer, 2002:211). Regulation No 634 of 18 March 1966 emphasised parental involvement in black schools only. The Education Policy Act, Act no 39 of 1967 was loud on parental involvement. This issue was taken further by the White Paper on the

provision of education of 1983 which opted for the establishment of parent representative bodies. The National Policy for General Education Affairs Act, Act no 76 of 1984 also made tremendous progress on the subject of maximum parental involvement in educational matters. The attempts of the latter statutes were further accelerated by the national Education Policy Amendment Act, Act no 103 of 1986.

Even when the past education system was based on racism, discrimination and centralisation, legislations governing education regarded parental involvement in education matters as of vital importance. The past statutes of the regime considered parental involvement as a pre-requisite for effective education management.

2.3.1 REGULATION GAZETTE NO 634 OF 18 MARCH 1966

The above piece of legislation created a platform for blacks only schools' parents to serve on the school committees. Section 2 of the regulation explains how the school committee should be constituted. It maintained that the school committee shall consist of five parents elected at a meeting of parents. The circuit manager in addition had to nominate four members after a series of consultation with stakeholders such as the church, commissioner, tribal council or township council. He also had to nominate a chairman and a vice chairman different from the way it is done today in the democratic era. However, the final approval was in the hands of the regional director.

The instrument stipulated a number of requirements to qualify for membership of a school committee. Firstly, only blacks were to be elected as members. By all means no person who has at any time been found guilty of any crime or offence could be nominated or elected. Also a person of unsound mind was not allowed. A serving teacher or the wife of any teacher, any school board secretary or any person whose duties were connected with school matters was not allowed to be a member. Other restrictions related to residential laws like the Consolidation Amendment Act, Act no 16 of 1955.

Section 16 of the regulation stipulated the duties, powers and functions of a school committee. The school committee was allowed by this law to report

any matter which in its opinion affected the welfare and efficiency of the school to the school board. The committee also had the right to expel any pupil from school on the grounds of immorality, constant misconduct, lack of cleanliness or for any other reason which the school committee may regard as of sufficient importance to the school. Also the committee had the powers and duties to inquire into any complaint concerning the school or teaching staff.

Other duties and functions include the following:

- Check on the indolence cases of both the teachers and the principals;
- consider inspection reports and when necessary, make recommendations to the school board;
- advise the school boards on all matters concerning the appointment of teachers;
- establish, control and administer any school funds;
- be responsible for the supervision of the buildings, site, fencing and other accessories of the school;
- ensures that there is a general meeting of parents during March of every year.

In terms of this legislation black parents were allowed to serve on a committee board. This structure had weightier responsibilities than the school committee. A committee board had to establish, maintain and control black community schools. The board had to erect school buildings. It also had to employ teachers and a secretary on conditions of service prescribed by the Minister. It also had to advise the Department on all matters concerning the school under its control and to collect and account for all moneys due to the committee board from whatever source.

School boards were the third structure in terms of Regulation Gazette no 634 where black parents served. The school board included five parents. The powers, duties and functions of the school board were very serious like that of the committee board. The board was also responsible for the appointment of

certain officials like the secretary. It handled finances and was also responsible for the building of schools.

Parents in the pre-democratic education system served in the structures established in terms of the law. They served in bodies capable of suing or being sued in any court of law such as a committee board and a school board. The above legislation defines these two structures as corporate bodies. The parents serving in the abovementioned structures were faced with a number of liabilities. For instance, should any of the abovementioned structures appoint any teacher to any subsidised post without the approval of the secretary, members who voted in favour of the appointment shall personally be liable for the payment of such teacher's salary.

2.3.2 THE EDUCATION POLICY ACT OF 1967

The Education Policy Act, no 39 of 1967 was for the white population only. This act provided the white parents with a structured say in education (Prinsloo & Beckmann, 1987:37). Parents were called upon in terms of article 2(1)(h) to take part in parent-teacher associations, school committees and governing bodies or school boards. The decisions, however, regarding the management and control of education were made by the state. The parents were merely consulted on educational matters. They could be consulted in an advisory capacity but not in a decision-making capacity as stipulated in the Schools Act. This act failed to some extent to create a co-partnership with parents in education (Heiberg, 1994:45).

As years passed by, this Act was amended by the following Acts:

- National Education Policy Amendment Act, No 73 of 1969
- Education Laws Amendment Act no 69 of 1973
- National Education Policy Amendment Act no 92 of 1974
- National Education Policy Amendment Act no 17 of 1975
- National Education Policy Amendment Act no 25 of 1978

- National Education Policy Amendment Act no 25 of 1982 (Butterworths, 2003:1).

The abovementioned statutes initiated the participation of parents in educational matters. In their definition of terms, these statutes used the concept "Organised Parent Community". It meant the parent community as represented by the councils and committees established by or under any law and the bodies and associations recognised by the Minister or the head of education or an executive director of education (Butterworths, 2003:1). The concept demanded that parents be organised from local up to national level. It also called upon parents to be members of voluntary associations such as parent-teachers organisations where the general interest in education affairs could be inculcated. The definition called on parents again to be members of the statutory organisations. These two structures had a great influence on education related matters such as planning, negotiation, advising, co-ordination, policymaking and control (Van Wyk, 1987:71).

Even if management and control of education remained in the hands of the state after the enactment of this law, the state to some extent recognised parental participation. In terms of this act, parental involvement meant offering service to the school.

2.3.3 THE WHITE PAPER ON THE PROVISION OF EDUCATION OF 1983

The Government in 1982 appointed a task group comprising three ministers to consider the recommendations of the Human Science Research Council (HSRC) regarding the reform of the role of the parent as a partner in education. The task group associated itself with the eleven education principles contained in the HSRC report. Three such principles had a bearing on the importance of the parent and the family in education. The task group recommended that each school have a body representing parents and that such a body be elected by parents of the school (Heiberg, 1994:47).

In response to the recommendations of the education task group, the government published a White Paper in 1983 on parental involvement in education for white parents. The recommendations were forwarded to the

South African Council of Education and the Executive Education Department for Consideration and Action (Heiberg, 1994:47). The White Paper made the following recommendations:

- Parent representative bodies should function at local level for each school or group of schools;
- decision-making must be devolved to this parent-representative body in accordance with the principle of the devolution of authority;
- a balance had to be struck between the dictates of the principal, the professional educators, the parent community and the broad community.

The White Paper on the Provision of Education in 1983 did its best to bring white parents closer to the school. A high level of meaningful participation by parents in the education affairs emerged. This was seen by the birth of independent parent associations which form part of this study as will be seen in the paragraphs following later.

2.3.4 THE NATIONAL POLICY FOR GENERAL EDUCATION AFFAIRS ACT OF 1984

The recommendations of the HSRC of 1981 pressed for more regulations providing for increased parental involvement and responsibility in education. The eleven principles of the HSRC were also included in the National Policy for General Education Affairs Act, Act no 76 of 1984. Section 2(1) determined that the state should be responsible for the provision of formal education, but that the individual parents and societies should share responsibility and have a say in that regard. The two phrases "shared responsibility" and "having a say" are related to the principle of participation and involvement. This section therefore called for a two-way traffic between the school and home (Heiberg, 1994:48).

The abovementioned act further explained guidelines for co-operation between the school and parents. This was done in terms of section 2(1) which stated that cognisance should be taken of the freedom of choice of

parents in as far as the admission of pupils to schools is concerned, and that parents have a say and a co-responsibility as far as formal education is concerned. This instrument in this way gave parents more powers on issues related to the education of children (Van Wyk, 1987:72).

The National Policy for General Education Affairs, Act no 76 of 1984 recognized parents as full partners in education. The Act granted parents a broad sphere of authority to get involved in the matters relating to education.

2.3.5 THE NATIONAL EDUCATION POLICY AMENDMENT ACT OF 1986

The abovementioned education Act (Act 103 of 1986) supplemented the other education act on parental involvement. This act promoted the image and at the same time increased the authority and responsibility of the school committee to allow parents to have a greater say in the education of their children. The act changed the name "school committee" to "Management Council". The act also redefined the role of the principal. The principal was no longer to be secretary. A member of the Management Council could now be elected as secretary (Educamus, 1985:5).

Further progress was also made regarding the definition of "a parent". The definition was amended to include a person who has custody of the pupil but not necessarily a guardian appointed by a court of law. This was done to the benefit of all parents with the diversity of child upbringing conditions to become fully involved in formal education, like it is in terms of the Schools Act, Act No 84 of 1996.

The 1986 act also granted Management Council more powers. Its powers were extended to include matters such as consultation on the appointment, promotion and dismissal of staff. The Council also had a say on the care and use of buildings. It controlled the hours for school attendance. It was in charge for the administration of school funds and admission of pupils (Educamus, 1988:5).

Section 1(d) of this Amendment Act determined that "Organised Parent Community" refers to only those councils and committees established by or

under any law and the bodies and associations recognised by the minister or the head of education or an executive director of education authorized thereto by the minister. Parental involvement in this way meant an arrangement authorised by legislation. It further suggested that parents should act appropriately in line with the legal provisions.

The National Education Policy Amendment Act, Act no 103 of 1986 like other statutes mentioned above put parents high on the list by showing that they are an indispensable corner stone for a successful education system. This act regards "Organised Parent Community" as an arrangement established under the law.

It appears that some of the rights and responsibilities today are derived from the past statutes. Roles such as the following: care of buildings, controlling hours of school attendance, administration of school funds and admission of pupils, still feature today as governance and management roles of the school governing body. This characterise parental involvement in school affairs as a legal item.

2.3.6 COMMON LAW

The common law in the past influenced parents to participate sufficiently in the educational matters relating to the education of their children. Most of the rights and responsibilities of parents in education originate from the common law rules. As a rule common law has always been supplementary to legislation. This kind of law is interpreted by the courts in the light of the demands and circumstances of the country (Van Wyk, 1987:66). For instance, through the practise of the following prior cases known as "*stare decisis*", i.e. let the past decision stands, courts built up the common law (Valente, 1998:17). What follows, is a discussion on the social and legal rights of parents as determined by the common law.

2.3.6.1 Social rights

Social rights refer to the expression of natural love by parents to support the child in his school life. They relate to the didactical way of helping the child to

develop meaningfully. By exercising such rights, parents help the child to meet the developmental needs. The parents use their vast experience to develop the child socially, morally, emotionally and physically. This important task of parents is emphasised by the Guardianship Bill, No 201 of 1993 as well as the Guardianship Act, Act no 19 of 1993. The two instruments recognised the responsibilities parents have for the upbringing and development of children. These instruments used nouns and phrases such as parental rights, powers and duties. Social rights in this way are legal obligations of parents (Van Heerden & Clark, 1995:141-142).

Belter (1997) elaborates more on the social rights that parents have in the education of their children by stating the following points:

- The responsibility for the children's health, education, welfare and religious training;
- the responsibility to make the child attend school regularly;
- a right to their own feelings towards education;
- their own feelings about their children's place in the education system;
- authority in the home;
- meaningful communication with the child's educators;
- be involved in planning and maintaining parent groups;
- be involved in helping children with curriculum work;
- helping the school to discipline the child.

Parents have always been at the forefront on social matters affecting the education of their children. This has been due to the strong feelings they have for the education of their children.

2.3.6.2 Legal rights

In addition to social rights are the legal rights. By nature legal rights are quite different from social rights. They are juridical in nature because they relate to

policy matters. Klicka and Phillips (1997) explain the nature of such rights as follows:

The rights of parents to:

- know the school's policies and programme plans;
- understand the evaluative techniques of the school as they relate to the child;
- be represented in policy-making decisions;
- have access to special services for children with special problems;
- privacy, protection and due process as defined by law;
- have greater control over the children's public education.

Parents had followed the rules of common law. In some instances they never referred to statutory provisions for involvement. Involvement of parents was a community assumption. It was viewed as a God-given instruction. In some instances it was viewed as determined by the laws of nature. In this way the rules of common law kept the parents attached to the school (Klicka & Phillips, 1997:81-82).

For instance, parents had the understanding that the school can act on their behalf as a result of the legal principle derived from common law. The *in loco parentis* principle allowed teachers to act in the place of the parent. Teachers could act in spheres such as the supervision of pupils as well as the application of disciplinary measures. Parents could accept the punishment measures given to their children by the teachers because most parents regarded punishment as being good for moral development (Van Wyk, 1987:66).

To cement the legal rights that parents have, the common law was helped by several key provisions of the Bill of Rights that safeguard the family (Klicka & Phillips, 1997:82). The "International Bill of Rights" granted parents many rights. This instrument included rights such as language, culture and religion.

It also had a fundamental right, the freedom of speech. The Bill also granted the due process right to parents.

The common law granted parents social and legal rights to offer educational duties to their children. Legal rights relate to the parents' power to take relevant decisions about their children's education. For instance, the parents may decide which school the child would attend. They also have the responsibility and power to decide reasonably in the interest of the child.

It is clear that most of the enacted rights originate from the common law. Most of the constitutional rights in South Africa come from this law, especially the ones in the Bill of Rights. The following are some of the rights originating from this old legal literature:

- The due process rights (Schools Act);
- Language, cultural and religious rights (Schools Act);
- Governance rights (Schools Act).

2.3.7 CUSTOMARY LAW

The law of African communities has been described by different names but having the same meaning. For instance, section 1(4) of the law of Evidence Amendment Act, Act no 45 of 1988 used the concept "Indigenous law". This term was defined to mean "the Black law or customs as applied by the Black tribes in the Republic of South Africa. The word "customary law" will be used in this study since it appears in the 1996 Constitution and also because it shares the same meaning with the indigenous law (Mahomed *et al.*, 1998:1).

Customary law was not written but it developed from the views of the community and was carried from one generation to next (Shaba, 1998). As a law it had to comply with certain requirements before it could become law. It had to satisfy the following requirements demanded by the courts (Smit & Naude, 1997:4):

- It must be reasonable.
- It must have existed for a long time.

- It must be generally recognised and observed by the community.
- Its content must be definite and clear.

The black parents were the agents of these laws. They had to see to it that it was carried from one generation to the other. Together with relatives, parents were responsible for educating the children. Later on, specially appointed members of the community were given this task. They had to educate children about customs. This was done at the initiation schools.

Character moulding was considered to be of great importance. Children were taught to be respectful to elders and people in authority. Aspects like good manners, honesty and integrity were instilled. Children had to know the beliefs, tradition and cultural and religious aspects of the community. Moral lessons, legends and proverbs were used in this regard. Children had to know the history of their tribe and knowledge regarding plants and animals. Children learnt about the affairs of the state by having to attend local court sittings and council meeting where customary laws were inculcated (Colyn *et al.*, 1994:287-291).

Customary law instigated the black parents to get involved in educating the African child before the influence of the western philosophies. Parents knew what was best for their children. They, therefore, got involved to prepare the child for life. The child was prepared to know and accept the norms, values, customs and beliefs of the community.

2.4 INTERNATIONAL DETERMINANTS ON PARENTAL INVOLVEMENT

The rights of parents to be involved in the educational matters has a solid basis in international law. International law is important when interpreting the Bill of Rights (section 39(1)(b), Constitution of the Republic of South Africa). Parental involvement is recognised in several universal human rights declarations as well as regional ones. What follows, is a discussion on such human rights declarations.

2.4.1 THE UNIVERSAL DECLARATION OF HUMAN RIGHTS OF 1948

The abovementioned international instrument has a relevant provision on the rights of parents towards educating the child. Section 3 of article 26 reads thus, "Parents have a prior right to choose the kind of education that shall be given to their children". This section shows the respect that the international law has for the status of parents. This international law recognises the rights and powers of parents to get involved in the education of their children (Patel & Watters, 1994:15).

2.4.2 THE INTERNATIONAL CONVENTION ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF 1966

Section 3 of article 13 of this instrument endorses the rights of parents and legal guardians to choose schools for their children. It further grants the parents the rights to ensure that the religious or moral education of their children be in conformity with their own convictions. This section maintains that, "The states parties to the present covenant undertake to have respect for the liberty of parents and when applicable, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the state and to ensure the religious and moral education of their children in conformity with their own convictions" (Patel & Watters, 1994:20).

2.4.3 UNESCO CONVENTION AGAINST DISCRIMINATION IN EDUCATION OF 1960

Article 5(1)(b) of the above convention shares the same content with the other international instrument. It recognised the liberty of parents and guardians to choose educational institutions for their children: "It is essential to respect the liberty of parents ... firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum standards ..." (Patel & Watters, 1994:407).

The international human rights laws on education helped domestic legislations to interpret the place of parents well as social components that can bring about quality education. Most of the international human rights

laws are in agreement with statutes guiding parental involvement such as the ones already discussed in the above paragraphs. Parental involvement in this way is an international phenomenon. It is not a recent matter but it has been there for many years.

2.4.4 CONVENTION ON THE RIGHTS OF THE CHILD 1989

The convention in its preamble distinguished a family as an important institution for the growth and well-being of all its members, in particular children. In this way the convention regarded the family as an institution for protecting the rights of the children as recognised in the convention. Article 5 of the Convention on the Rights of the Child contains a provision respecting the parents' rights in the education of their children:

"State parties shall respect the responsibilities, rights, and duties of parents or where applicable, the members of the extended family or community as provided for by the local custom, legal guardians ... responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present convention" (Patel & Watters, 1994:305-319).

2.5 STATUTORY AND NON-STATUTORY BODIES OF YESTERYEARS

The involvement of parents in statutory bodies governing the schools has been evident and popular in the past. Cheung *et al.* (1995) regard such kind of participation as the highest level of parental involvement in school education because it is the level whereby school policies are formulated. Statutory bodies' actions are regulated through the Acts of parliament such as the ones already mentioned. For instance, prior to the dawn of the democratisation of the education system in South Africa, The Education Affairs Act no, 70 of 1988 served as a legal source for statutory bodies in education.

The non-statutory bodies relate to Parent-Teacher Associations (PTA's) and the Parent-Teacher Organisations (PTO's). The aim of these organisations

was to form a support system of the school. In that way the contribution of parents' expertise and resources to the school became systematically maximised. The other aim was to organise parents to work closely with the school

2.5.1 STATUTORY PROVISIONS RELATING TO PARENTAL INVOLVEMENT

Giles (1995) explains that statutes in the past played a prominent role at defining the roles of parents in the management of schools. Through the provision of the Education Affairs Act, 70 of 1988 school governing bodies became statutory bodies. The members of this structure acquired legal status as representatives of the state-aided school as a 'juristic person'. This act granted the members executive powers to be the bearer of rights and responsibilities. This legal document required members to act responsibly and accountably when performing duties.

The contents of the 1988 Act, had the following stipulations (Giles, 1994:12-25):

- Section 31 (1) emphasised management, control and executive powers.
- Section 16 dealt with meetings of the school governing bodies and elections of office bearers as well as the decision-making processes.
- Section 19 sets out the minister's power to make regulations relating to the school governing bodies.
- Regulation 20 determined the formation of a quorum for holding meetings.
- Regulation 21 was about proceedings of the meetings.
- Regulation 22 (1) provided for the casual vacancies of the school governing bodies.
- Regulation 23 dealt with the constitution and the standing orders.

2.5.2 THE FEDERATION OF PARENTS ASSOCIATIONS IN SOUTH AFRICA (FEDPASA), 1988

FEDPASA was a national central structure of white parents associations. It was made up of seven parents associations: 3 Afrikaans, 3 English and one common association i.e. the Free State Parents Association. The Association received statutory status on 11 November 1988 with the approval of the Department of Education. The Minister of Education and Culture, Administration: House of Assembly, approved the criteria for the recognition of these parents associations (Heiberg, 1994:48).

FEDPASA was a statutory structure because it was recognised by the Minister of Education.

2.5.3 THE SOUTH AFRICAN FEDERATION OF STATE-AIDED SCHOOLS (SAFSAS)

SAFSAS was an organisation of governing bodies. Different provinces formed an association of governing bodies on 20 November 1993. The association concentrated on the functional aspect of managing and controlling state aided ordinary schools. The association also accommodated all parents with children at such schools. Its mission was to serve the interests of the school governing body of public schools, in particular the interests of parents in general in order to achieve and maintain quality education (De Groof & Bray, 1996:119-121).

SAFSAS was also a statutory body representing parents. It was also recognised by the Minister.

2.5.4 THE BLACK COUNCIL 16 MAY 1989

The apartheid regime in 1989 considered to recognise the positions of black parents in the education affairs of the black population by the establishment of the Black Council. The Council was made up of parents, schools and professional teaching bodies. The aim of the Council was to advise the Minister of Education and Developmental Aid on matters affecting Black education. The then Minister, Gerri Viljoen, mentioned that the role of the

Council was to assist the department to accelerate the rate of improvement (Educamus, 1989:5). The Black Council was statutorily in nature because it was established by the person with authority, the Minister.

The discussion above has highlighted how parents got involved through statutory provisions. The powers, elections of members, meetings and terms of office were enacted.

2.5.5 NON-STATUTORY BODIES

Both the PTA's and PTO's have served for a long time as avenues for greater parent-school interactions (Badenhorst & Scheepers, 1995:118). Such organisations have succeeded in helping the school with the children's learning, although in some instances organisations of this nature failed to support the school effectively as was expected.

In South Africa the history for the sustenance of the Parent Teacher Student Association (PTSA's) was disturbed by the apartheid era. The government used education to control people and to fit them into the apartheid society. But parents, teachers and students fought hard to the bitter end to eradicate that kind of education. The following years in the old South Africa were dominated by the actions of the PTSA's (Sayed & Jansen, 2001:194):

- 1953 parents and teachers resisted the then Bantu Education.
- 1976 students led the battle against the Bantu Education.
- In 1980 students boycotted apartheid schooling.
- In 1984 parents, teachers and students together established the National Education Crisis Committee (NECC) which began to set up PTSAs all over the country.
- In the 1990s the PTSA's, took new approaches of ensuring that teaching and learning happen in schools.

According to Cheung *et al.* (1996), Badenhorst and Scheepers (1995) and Belter (1997) the non-statutory bodies have the following advantages for the school:

- Contributing towards good teaching and learning at the school.
- Helping the school to tackle crisis e.g. decrease of enrolment.
- Organising school activities and supporting some important school functions.
- Protection the health and welfare of the children.
- Promotion of parental involvement in the child's life.
- Development of the training manual for parental involvement.

Mentioned above are the roles of the non-statutory organisation in working closely with the school. Their involvement helped the school with ideas regarding the running of the school. They also influence the culture of learning and teaching positively.

2.6 RELIGION AS DETERMINANT FROM YESTERYEARS

Historically religion in South Africa has been employed by parents to influence the lives of children positively to become better people particularly by becoming Christians. Parental influences were prominent at encouraging children to worship at an early age. Through worship a specific code of conduct such as the prohibition of stealing, lying and cheating were addressed. Weeto (1997:12) regards baptismal vows as undertakings of Christian parents that encouraged parents to get involved in the education of their children. Also, again through biblical teachings, Christian parents learned to regard childhood as the seedtime, a time when children were to be prepared thoroughly and properly.

2.6.1 WORSHIP

Worship is a way of making a relationship with God. The value of worship was instilled in children very early in their lives. It was regarded as symbolising the presence of God. Through it children were taught to seek God's company in whatever they were doing, exercising the highest level of discipline. In the solemnity of the church services a sense of the Divine

presence was created. Children in this way learned to fear the Lord, the highest level of behaviour for Christian parents, which is the beginning of wisdom.

Jenkins (1995) mentions that worship to Christian parents was not only confined to the church but was also fostered at home. With it parents wanted to demonstrate the importance of Christianity in everyday life. Children were taught to carry out their tasks with thanks and praise to God in whatever they were doing. Worship in this way became a certain way of living. It changed bad attitudes in children.

Worship had always been the act parents utilised to prepare their children adequately for adulthood. It cultivated good attitudes and feelings in children. Whether it was formal or informal it served as good inspiration for character building of the little ones aiming at becoming better people.

2.6.2 BAPTISM

Baptism is the church's sacrament or rite of initiation. By it parents are reminded of their identities and roles as God's people to bring up children. Its focus is on Christian education, that of educating the child to serve the Lord. During this service parents are reminded of the biblical meaning of baptism. They are also reminded to live by those meanings in their lives.

Weeto (1997:12) mentions that Christian parents were compelled to get involved in formal education because of the baptismal vows they made during baptism. As a result of vows, parents monitored teaching. They influenced the policy of the school. With this involvement parents wanted to make sure that goals and objectives of education were based on Christian principles.

From the discussion above it is concluded that parents are called educators who, according to the baptismal vows, have an in transferable responsibility for the education and teaching of their children as gifts of God. Their tasks are to give the school a Christian direction, influence the role of teaching in a Christian way and to support the school to their best abilities.

2.6.3 CHILDHOOD AS THE SEED TIME

The letter to the Galatians by St. Paul maintains that the harvest depends upon the sowing. Childhood is the sowing time according to Christian parents. Paul says (Gal 6:7), 'Do not be deceived. God cannot be mocked. A man reaps what he sows' (Bible, 2000:225). There will be no reaping without sowing. There will be no proper and good harvest without proper sowing. The soil needs to be prepared thoroughly. Sowing need to be done in the correct season.

The Christian parents understand what the parable of the sower mean in bringing up the children (Matt 8:11). Jesus Christ wants the parents to see the analogy between sowing and teaching the child virtue. Parents know that the all-important seed is the word of God. The soul of the child is the virgin soil. If parents do not mould it, the world, the flesh and the devil will. The Bible says: "Train up a child in the way he should go and when he is old, he will not depart from it" (Prov. 22:6).

It is concluded from the above discussion that parents have in their hands the most delicate, the most scepticle, the most precious and the most important of all raw materials, the soul of a trustful little child. The soul is in the state of flux. It is just like the seed that is in the need of the right soil.

2.7 THE NEW PARADIGM ON PARENTAL INVOLVEMENT

The Constitution of the Republic of South Africa, Act 108 of 1996 as a source of law has an immense impact on the rights and responsibilities of parents in the governance of the schools. Supplementary to the SA Constitution is the National Education Policy Act, 27 of 1996 for the determination of national policy for education. This Act also emphasises the rights of parents in school governance. The South African Schools Act, 84 of 1996 is also quite clear about the rights and responsibilities of parents in the schools. This Act has placed governance of every public school in the hands of the parents. It has altered the old practices of parental involvement and created a new nature of partnership. The nature of parental involvement according to this Act is

serious because parents will be involved in the policy and decision-making processes. The political provinces in South Africa also did their best to place parents high in the governance of schools through their legislations to support the above-mentioned laws.

2.7.1 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 108 OF 1996

The SA Constitution is the supreme law of the country and educational law is no exception to this law. Shaba (2003:8) sees the network of educational law as full of constitutional provisions. The South African Constitution has an immense impact on education. It has a wide range of provisions that affect parties in education both directly and indirectly. It is the source of the law of education. It controls the legal system of the country (South Africa, 1996). The SA Constitution as a source of the law of education has an immense impact in the governance of the schools.

The 1996 Constitution represents a clear break with the past. De Groof and Bray (1996:35-36) see it as a bridge away from the culture of authority, which must lead to a culture of justification – a culture in which every exercise of power is expected to be justified. The Constitution recognises and protects the right of every person to basic education and also protects other human rights related to education such as equality (s 9), human dignity and privacy (ss 10 and 14), freedom and security of the person (s 12), religion, belief and opinion (s 15) and freedom of expression and association (ss 16 and 18). All these fundamental rights influence governance and management of schools. Governance and management are to be within the parameters of the Constitution. This means that the imperatives of democracy and human rights protection are to be followed (Beckmann *et al.*, 1995:16-17).

2.7.1.1 Rights and obligations

The South African education system has shown commitment through legislation to ensure that parents draw nearer. This has been achieved by granting parents rights of involvement in the education system. Weeto (1997:25) regards parental rights as parental obligation. The two are

legislated. Their appearance in legislation explains the juridical ground for participation. Since the rights and obligations appear in legislation it will mean that parents are to act responsibly and objectively (Loock, 2000:337-340; Weeto, 1997:25).

Weeto (1997:27) sees rights and obligations of parents in the new dispensation as new in scope. The rights are dominated by the legal, executive and management, and control powers. This distinguishes the new parental right from the traditional one, which was based on the common law perspective. The new set of legal rights has a high degree of responsibility and liability. They require care and dedication, different from the past school organisation.

The following are the important constitutional rights for parental participation in school governance (Anon, 1999:16-17):

- The rights of equality (section 9)

School governance must in its entirety promote the principle of equality for all. There should not be unfair discrimination of any kind in activities.

- Freedom and security of the person (section 12)

Parents should create a safe haven wherein functions and services can go on unhindered.

- Privacy (section 14)

The parents should ensure that the privacy of all stakeholders is respected. As has already been indicated in the preceding paragraphs, the principle of confidentiality should be adhered to.

- Freedom of conscience, religion, thought, belief and opinion (section 15)

The parent must create tolerance on the school premises.

- The right to freedom of expression (section 16)

This right demands the school governing body to promote tolerance in schools.

- The right to receive and impart information (section 32)

The school governing body as organs of the law have the right to the access of information at the same time pass it to all parents.

- The right of freedom of association (section 18)

Parents should encourage co-operation for common goals.

- The right to basic education and instruction in the language of one's choice (section 29)

This is the most important basic right to be promoted by parents. This is one of the functions of the school governing body.

- Specific rights of children such as the right to be protected from maltreatment, neglect, abuse or degradation, and the right of a child that his/her best interest are regarded of paramount importance in every matter concerning the child. Parents must stand united on these international rights (section 28)
- The right to information held by the state and other persons needed for the protection of one's rights (section 32)

The school governing body here is to be informed only if there are no legal rules prohibiting it to do so.

- The right to reasonable and fair administrative action (section 32)

One of the aims of the democratic education system is to implement a system of education within the parameters of section 33 of the Constitution (De Groof & Bray, 1996:37). This means that the imperatives of a just administration system should be followed. A just administration action calls for the fact that every decision taken by an administrative body such as the school governing body must be lawful, reasonable and procedurally fair (Shaba, 2003:15).

When the school governing body takes an action against an individual, that individual is entitled to a reasonable opportunity to be informed and to make submissions. Further the individual is entitled to be informed of the actions that have infringed upon his/her rights or interests and that the administrative actions are justifiable in terms of the given reasons (Beckmann *et al.*, 1995:54).

The school governing body as a body in charge for the implementation of laws, regulations, policy and decisions is required by the new paradigm to comply with the provision of the administrative law (Bray, 1994:10; Shaba, 1998:15). The SA Constitution states clearly what should happen if any action, law or decision taken by the school governing body is not in keeping with the Constitution. Sections 33(a) and 34 of the Constitution, no 108 of 1996 indicate that it is only the courts which will be able to make a final decision on whether or not a decision or an Act or a law or an action is consistent with the Constitution. The courts are impartial and independent. They apply the law without favouring anyone or act without bias against anyone.

The SA Constitution calls for just administrative actions from administrative bodies such as the school governing body. All actions are to be lawful, reasonable and procedurally fair. The courts may be approached when there are disputes to decide whether a certain right has been infringed or threatened or when there is uncertainty whether a particular action is constitutional or not.

This right demands of the school governing body to:

- Act within the legal powers.
- Act reasonably.
- Establish facts before taking a decision.
- Follow the rules of natural justice (South Africa, 1996).

2.7.1.2 Limitations

Parental rights and obligations in education are not absolute (Weeto, 1997:25). They are rights with limits just like other rights entitled to different people. The rights exercised without reasonable limitation will lead to a chaotic situation without justice. To put all subjects in order, the Constitution, 108 of 1996, determines how and when fundamental rights may be limited. This suggests that the rights of all should be exercised within the legislative requirements (Smit & Naude, 1997:55, 74).

Limits of rights are instruments of the law to create security for justice and authority to manifest well. Limits are there to ensure harmony and co-operation. Limits help parents not to regard rights as the law owned by them. They are there to ensure that parents do not abuse their governance. They require parents to honour certain legal provisions and tenets (Beckmann & Visser, 1999:158).

It will be proper for the rules limiting fundamental rights to be made known to parents. Procedures and purpose for limiting the rights must be defined (Rautenbach & Malherbe, 1996:308-310). They must be simplified. Their nature is important as they differ from case to case, and from situation to situation. Their purpose of instilling the democratic principles, should be understood by parents. Their reasonableness should be made known.

The reasonableness of the limitation of rights is based on the following principles (Rautenbach & Malherbe, 1996:311):

- the nature of the rights;
- the importance and purpose of the limitation;
- the nature and extent of the limitation;
- the relation between the limitation and its purpose; and
- other and less restrictive means to achieve the purpose of the limitation.

Governance and management should be in line with the constitution. Parents should exercise their rights sensibly. Such rights are not absolute. They are with limits.

2.7.2 THE NATIONAL EDUCATION POLICY ACT OF 1996

The relevance of this Act (27 of 1996) in this study is covered by the following sections: sections 4(1)(iii) and 4(m).

Section 4(1)(iii) maintains that: The policy contemplated in section 3 shall be directed towards (a) the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 2 of the Constitution, and in terms of international conventions ratified by parliament, and in particular the right, (iii) of a parent or guardian in respect of the education of his or her child or ward.

The constitutional rights referred to, by the above-mentioned section relate to the rights and responsibilities of parents at ensuring that their children receive the education they deserve. Ensuring that the children's basic right to education is achieved their parents are compelled to accept a series of responsibilities. They are expected to assist in the development of schools. This will give them the opportunity to see whether the school is on the right road to give their children the education they deserve and also recognise the key provisions of the Constitution such as freedom of religion, speech and the due process of the law. Assisting in the development of the school means participating in the activities of the school. There is a broad spectrum of activities at the schools according to Calitz (2002:118). Parents need to be seen taking part in any such activities, such as the following:

- taking part in organised school activities;
- making themselves available for activities in schools;
- assisting teachers in all possible areas in the school;
- assisting their children with their homework;
- as members of the management structures of schools (Calitz *et al.*, 2002:118).

A number of international conventions consider parental rights as fundamental (par. 2.4.2 & 2.4.3). International conventions protect the rights of parents to make independent decisions about the education and discipline of their offspring (Klicka & Phillips, 1997:81). The most important right emphasised by the international conventions in the rights of parents to have greater control over their children's public education. Also mostly emphasised is the right of parents to choose educational institutions for their children according to article 5(1)(b) of UNESCO Convention Against Discrimination in Education, 1960 (par. 2.4.3).

Section 4(m): ensuring broad public participation in the development of education policy and the representation of stakeholders in the governance of all aspects of the education system.

This is the highest level of parental involvement. Since it deals with policy matters, this level requires a high level of competence and knowledge from parents. But when parents are empowered they can make a large contribution in matters relating to representation in the governance of public education. When empowered, parents are likely to initiate and implement change. In this way, the National Education Policy Act, no 27 of 1996 strives to bring about greater parental involvement in the education system as parents are indispensable corner-stones for a successful education system.

2.7.3 THE SOUTH AFRICAN SCHOOLS ACT, 84 OF 1996

2.7.3.1 Promulgation on parental involvement

The Schools Act, through the establishment of the school governing bodies, recognises the important role the parents can play in the governance of schools. The greater financial responsibilities placed on parents allow them more say in the governance of schools. In this way the Schools Act has given parents access to the playing field of school governance. Parents can no longer be sidelined when it comes to the decision-making processes of the school (Grobler, 1998:16).

The parents of learners in terms of the Schools Act receive a central position in the school governing body. They are to share this position with other groups in the schools. They are faced with a challenge to change the school-based management which has been founded on the individual managerial capacities of the principal. Legislation demands from them to develop school-based management in accordance with the opinions of the provincial authorities. This process demands from parents to have the skills to negotiate and the will to co-operate (De Groof & Bray, 1996:142).

It is known to date that the school governing body refers to different factions in the school such as educators, principals, parents and children. For the purpose of this study the name school governing body will be used when referring to parents. The Schools Act requires that the number of parents in the school governing body be one more than half of all the members who may vote. It is a recognition of "the inalienable right" of parents to choose the form of education which is best for their children in terms of the Education White Paper 2 (1996:7).

The new dispensation emphasises the role of parents in the education system to build democracy in the management and governance of the schools. The aim also is to bring an end to the apartheid education system which was not for the concepts of "decentralisation and devolution of power". The new era accords parents a central position in the governance of schools, more than before.

2.7.3.2 The legal status of parents in school matters

One of the characteristics of the law as an instrument for order, according to Shaba (2003:2-3), is that it creates legal relationships that give rise to specific legal status. The relationship between the parents and the school in South Africa is one such relationship that has been created by law. By virtue of this kind of creation, parents acquire the legal status in their involvement with the school. Their rights and obligations are determined by the law to show their value in the education system.

The law in the context of this study refers to the introduction of the South African Schools Act, 84 of 1996 (Schools Act) which is the cornerstone of the national legislative framework for education management and governance (Beckmann & Visser, 1999:152). This Act views a school as a 'juristic person' in terms of section 15 and decrees that the school governing body shall be constituted to govern the school. The school governing body acts as the organ of this "juristic person".

Section 16(1) of the Schools Act places governance of every public school in the hands of the parents. The law expects this partnership to be based on mutual interest and mutual confidence. The parents in this instance are expected to put the interest of the school and the learners above their own personal, political, religious and language interest in terms of section 16 (2) of the Schools Act. The relationship of trust in terms of the law applies to the handling of finances, attendance of meetings, drawing up of the constitution and adopting the code of conduct.

The partnership referred in the preamble of the Schools Act can be explained differently. It can refer to different stakeholders. But the way it is explained in terms of section 16 of the Schools Act it conveys the notion of a partnership between the lay members of the school governing body and the principal regarding the governance and professional management of the school. This notion of a partnership is explained further by Calitz *et al.* (2002:81) by explaining the features of a partnership from the common law perspective:

- A partnership is an association of people.
- After negotiations, partners agree voluntarily to work together on an equal basis to achieve specified goals.
- The aim of a partnership is to make profit. In the case of the partnership contemplated in the Schools Act, the aim is to provide good quality education and to share it equitably among all the people in the country.
- The means used to achieve the aims of a partnership are capital and labour.

- Partners have the right to manage the affairs of the partnership.
- Partners' duties include the following: to deliver on promises and undertakings, to manage joint interests as if they were their own, to report to one another and to maintain the confidentiality of the business vis-à-vis strangers.

The school as a "juristic person" cannot control itself. The parents take the decisions on how the school should operate. They enter into legal transactions on behalf of the school. They represent the school in its interaction with the outside world. The Schools Act grants the school governing body such powers. Sections 20 and 36 of the Schools Act give the school governing body the controlling and the representing powers.

The school governing body is expected to do only things allowed by the law. Any decision and action taken by the school governing body should be in line with legislation. For examples in some of the roles, the law expects the lay members of the school governing body to have skills to draw up a budget. The school governing body is expected to be knowledgeable enough to be able to perform their duties as laid down by legislation.

Being able to do things only allowed by the law can mean, amongst others, keeping things confidential. The law requires everybody who is in a legal relationship or contractual relationship to respect the element of confidentiality. To be able to respect things that are confidential is one of the requirements of being a good school governing body member. As the statutory body the school governing body must always decide when things are or are not confidential. The constitution of the school governing body should be drawn in such a manner that it provides guidelines about the principle of confidentiality (*The Teacher*, 2001:16).

In terms of the conditions of the Schools Act, the school governing body will have to function in collaboration with other stakeholders such as educators, managers, learners, parents, senior government officials, Members of the Executive Council (MEC) in the province, Community members and Union members (Shaba, 2003:24). The Education White Paper regards this

involvement as a measure to encourage tolerance, rational discussion and collective decision-making. The different rights and interests in the composition and operations of the school governing body in terms of the law becomes an important matter. The school governing body must be seen operating in its services within the legal and professional parameters of its task (Loock, 1998:37-39).

The law does not only affirm partnership with the diversity of stakeholders but strongly confirms the highest numerical representation of parents in the school governing body (Heystek, 1999:98). This determination regards parents as the most important component of school governance. Parents had for long vested interest in the welfare of the school. They have the muscle to improve the school effectiveness for the culture of learning and teaching to take place. Having carefully considered the role of the parents in education provision, a conclusion was reached through legislation to have the majority of parents in the involvement of other stakeholders (Sayed & Carrim, 1997:96).

The law also determines the duration of the period for serving on the school governing body. Members serve for three years. Furthermore, the dates for the elections of the new office bearers are announced by notice in a provincial Gazette. The Minister of Education in consultation with the MEC's determines the dates for elections. The two also determine the rules for the election of members of the school governing body. Section 28 of the Schools Act explains the regulations to be followed during the election period.

It is important that governors have a thorough knowledge of legal aspects relating to their roles as ushered by the new system of education governance in terms of the School Act. The contention that the lay members of the school governing body need to have a thorough knowledge of, and to act strictly according to, and within the provision of the Schools Act, is supported by Beckmann and Visser (1999:158-160). The source states the following legal aspect areas that the school governing body is to be helped with:

- Aspects of the Schools Act, in particular those sections which provide directly for particular facets of the functioning of the school governing body.
- Aspects of the constitution which impact directly or indirectly on the functioning of the school governing body.
- Various policies and stipulations, for example, regarding norms and standards for language policy, guidelines for codes of conduct and norms and standards regarding admission of learners.
- Administrative law aspects that inform the implementation of certain of the above-mentioned functions.

School governing bodies have been created through legislations. They are therefore creatures of the law empowered to develop the notion of a partnership between the state on the one hand and parents, educators and learners on the other. They have the rights and duties vested in them by the Schools Act. They are therefore faced with the challenge of carrying out their functions within the framework of the state authority.

It is uncertain as to whether the lay members in school governing body are in a position to perform the functions the Schools Act requires them to do. Some of the members of the school governing body have management experience. But still they need to be orientated about the contents of the Schools Act for proper interpretation and avoidance of confusion. Giles in Oosthuizen (1995:55-59) also suggests that the school governing bodies be helped to interpret the law and that the relevant legislation should be summarized in an easy reference form. The premise that the school governing body be capacitated is also supported by legislation. Section 19 of the Schools Act calls for the reasonable assistance of the school governing body.

2.7.3.3 Functions of governance

The SA Schools Act (84 of 1996) requires the school governing body to perform the following basic functions:

- To promote the best interest of the school and strive to ensure its development through the provision of quality education for all learners in the school;
- To adopt a constitution for the school;
- To develop the mission statement of the school;
- To adopt the code of conduct for learners of the school;
- To maintain and improve the school's property, to determine the extra-mural curriculum of the school and the choice of subject options in terms of the provincial curriculum;
- To purchase textbooks, educational materials or equipment for the school; and
- To pay services for the school.

Apart from the above-mentioned basic functions of the school governing body they also have the following additional functions (Calitz *et al.*, 2002:85):

For instance the school governing body may:

- determine the language policy of the public school (section 6(2));
- suspend a learner (section 9(1));
- permit the reasonable use of the school's facilities for community, social and fundraising purposes (section 20(2));
- join a voluntary association which represents school governing bodies of public schools (section 20(3));
- make recommendations towards the appointment of educators in a permanent post (section 20(1));
- appoint educators and non-educators in addition to the official post establishment of the school (section 20(4-5));
- issue rules for religious ceremonies at the school (section 7);
- implement a parental decision on school fees (section 39(3));

- enforce payment, through legal process, of school fees by parents who are liable for payment in terms of section 40.

The above-mentioned functions are important because they are to be executed under the jurisdiction of the Member of the Executive Council (MEC) for education in the particular province. They therefore become legal responsibilities (Loock, 1998:34).

The stipulations on governance have many legal implications. The fact that the school governing body should be formed by the majority of parents does not mean that all governance activities will be implemented without certain procedures being followed. For most of the decisions to be implemented the biggest constituency needs to be consulted first by the school governing body. This is the constituency with the powerful or sovereign role in the affairs of the school (Bush & Heystek, 2003:127-134). The following items cannot be finalised unless they are approved by the majority of parents present and voting at a meeting:

- The adoption of the code of conduct for learners;
- The amount of school fees to be charged;
- The procedures of exemption from paying school fees;
- The adoption of the budget;
- The adoption of the constitution of the school governing body;
- The adoption of the mission statement; and
- The adoption of the religious and language policies.

Karlsson (2002:329-331) credits the aims of the Schools Act of giving parents powers by outlining the following core values:

- Representation: Parents should have the greatest stake in the school's development and the quality of learning within the school. They should be recognised because they are the fee-paying constituency.

- **Participation:** Parents should be active and responsible in all decisions proposed by the school governing body (Calitz *et al.*, 2002:112). The decisions of the school governing body rely on their influence. However, this should not stop the school governing body from producing and protecting good decisions. But the fact of the matter is that decisions taken by everybody are more acceptable.

2.7.3.4 Stipulations relating to governance and management

Section 16 of the Schools Act explains governance as the terrain for parents and management as a terrain for the school manager. Due to high degree of financial responsibilities placed upon parents by the Act, it can be concluded that they perform management tasks (Grobler, 1998:16).

Subject to the Schools Act (84 of 1996), a governing body will perform managerial roles because they help the principals in the financial administration of the school. Sections 37, 38, 39, 42 and 43 of the Schools Act are financial responsibilities that have a direct bearing on the school governing body. The school governing body is required to establish the appropriate structure for the financial management of the school within the framework of legislation.

It is required from the school governing body by the law to:

- to establish a school fund and administer it (section 37(1));
- to open and maintain a banking account (section 37(2));
- to prepare a budget which sets out the estimated income and expenses of the school for the following financial year (section 38(1), and submit it to a meeting of parents (section 38(2));
- to enforce the payment of school fees on behalf of the public school by processing the law (section 39); and
- to keep records of funds received and expended by the public school as well as of its liabilities, assets and financial transactions and prepare annual financial statements (section 42) and to appoint an auditor to audit the records and financial statements (section 43).

Another task facing the school governing body as a management duty is to enable the public schools to take control of their funds (Anon, 1997:3). The aim of DoE with regard to its financial obligations is that schools become self-managing institutions (Calitz *et al.*, 2002:102). The state withdraws as a major role player. It gives the school its calculated budget as its final obligation.

After the DoE has made its share available to the schools, it then becomes the responsibility of the school governing body to raise funds for the school. These funds will be utilised to meet all the school's expenses such as the following:

- paying for services rendered
- buying learning support material
- paying for school governing body posts

Calitz *et al.* (2002:102-103) mentions that responsibilities such as the ones mentioned above require that the school governing body have membership with financial skills such as:

- understanding basic accounting principles;
- drawing up financial statements;
- preparing a budget;
- reconciling record books; and
- making good return investments.

The functions of the school governing body and that of the principal have a meeting point in terms of the Schools Act. Both factions i.e. the school governing body and principal, should approach their relationship and partnership purposefully and seriously. Both should commit themselves to co-operation and mutual trust. The school governing body in terms of the Schools Act contribute and decide on a range of management tasks such as the following:

- school policy: the goals of the schools, language policy, dress code, school code of conduct, etc.
- school finance: knowing what is required from the DoE, operating a bank account, raising funds and ensuring that school finances are well managed.
- school development: drawing up a development plan, mobilising voluntary supports, building support etc.
- school administration: ensuring that the school premises/property is not vandalised and misused, convening annual general meetings of parents and the school community.

2.7.3.5 The nature of parental involvement

In terms of the Schools Act the lay interest constitute a majority in school governance. The Act regards them as valuable stakeholders in the decision making processes of school governance no matter their little or no education at all. The success of parental contribution in school governance depends on the attitudes of other stakeholders. They always feel inferior because of reasons already stated. But they wield decisive power because legislation declares so (Bush & Gamage, 2001).

Engelbrecht *et al.* (1999:171-177) find it difficult to view parents as a source of deadlock that can impact negatively on the performance of the school governing body. The reason is that most of the parents elected to school governing body's are usually those with a history of involvement with the school. They are, for example, people good at fundraising, people with professional expertise such as legal, financial, educational, health, social, criminal or financial qualifications or building, plumbing or farming experience. Most of the parents doing such jobs understand the disastrous results that can be brought along by a series of conflicts. Due to the fact that parents of the school governing body are of different views, personalities and backgrounds, misunderstandings and lapses will always be there.

A premise that parents are indispensable partners in the education process has been stressed for centuries. However, parents sometimes pose

problems (Badenhorst, 1995:110). There are plenty of reasons why the parents cannot collaborate well with the school. In some instances parents cannot be blamed for their attitudes. The school manager and the government can also be the source of barriers for parental involvement.

Parents can be stumbling blocks in school governance because of the following reasons:

- Reluctance to adapt to changes;
- parents are confused about their roles;
- finding duties and roles challenging;
- lack of sufficient education;
- lack of information on national education policy developments;
- traditional leadership style stresses individualism and not sharing and forging good relationships;
- conflict between the parents' authority in the school governing body and the role of the principal;
- the educators' negativity causes parents to lose interest;
- language usage in the school governing body meetings. Nitty-gritties discussed in a language which is not theirs;
- lack of training on school laws.

The following are the reasons that relate to school managers as officers closing doors for parental involvement (Griffith, 2001:12; Bush & Gamage, 2001:42):

- Failure to create and establish opportunities for optimal and harmonious parental involvement;
- not understanding the value of school democratisation;
- feelings of inferiority as a result of the new practices of governance and management of schools; and
- reluctance to employ statutes as a means of good guidance.

The success of every education system throughout the world depends on this component, the parents. Let alone their little education or no education at all or their lack of management experience. In terms of the Schools Act they are important elements of both school governance and management. In this way the leadership of the school governing body should advocate for cohesion and partnership with this group to make them feel welcomed.

The new era expect both female and male parents to be equally passionate about school matters. Problems arising from the socio-economic status of both parties should not be allowed to disturb the course of involvement as demanded by the legislation (Van der Westhuizen & Mosoge, 2001:193). Women are now in the majority working unlike before when they used to be home bound. This socio-economic change should not hamper their known tradition of involvement in school matters (Lemmer, 2002:200). The same should apply to men. Their tendency of shifting the educational responsibility of their children to their wives should die. They should attend all meetings called by the school. There is nowhere in school legislation where it is indicated that parental involvement will be determined by gender.

The school Act does not divide parents according to their areas of settlement i.e. urban and rural. However, the geographical areas may have influences on the involvement of parents in school activities (Heystek & Louw, 1999:21-23). Rural socio-economic problems that usually inhibit involvement are the following: lack of transport, lack of communication, lack of physical resources, long hours of travelling before reaching school and poverty. Amidst all the above-mentioned bearers all parents are expected to master the governance affairs of the schools they are engaged to. There are also problems with urban parents such as working commitments and crime in the evenings. But schools cannot achieve today without the inputs of parents from both sectors.

The present era of school governance does not also determine participation according to the type of school. Research has revealed that participation of parents in primary schools is better than in secondary schools (Heystek & Louw, 1999:24-25). This practice should be discouraged at all cost. The

secondary schools are not self-sufficient. They like primary schools need to be supported and governed by parents.

2.7.3.6 Partnership

The composition of the school governing body for the move towards self-governance in schools in South Africa has the following representatives: learners and educators. The arrangement differs from country to country. The school governing body has both lay and professional members (Bush & Gamage, 2001). For the success of the fulfilment of roles it will be important to balance the interests of the two. The two have different opposing aims, purposes and approaches. To balance power between the two personalities legislation will provide answers. The Schools Act provides a framework for practice (Loock, 1998:33–35).

2.7.3.6.1 Learners

The Schools Act defines learners as an important group of stakeholders. Section 11 of the Act provides for the establishment of a Representative Council of learners (RCL). The Act determines that some of the members of the RCL be included in the school governing body. This legal framework is only for secondary schools enrolling learners from Grade 8 and higher. The Act defines learner involvement in school government as a mandatory, legal and a recognised arrangement (Anon, 2000:5-7). The Act exempt learners with special needs from establishing a RCL but for all normal secondary schools it is compulsory.

With the inclusion of learners to serve on the school governing body it is imperative that the school governing body has a working knowledge of the Act relating to the involvement of learners. This is important especially in secondary schools with learner organisations such as the Pan African Student Organisation (PASO) and the Congress of South African Student (COSAS) who still base their involvement in school affairs on a political footing. The school governing body should be able to adapt to the reasoning style of learners.

They should be able to diffuse the unbecoming behaviour of learner members that can create deadlock in the activities of the school governing body. The school governing body should know all the restrictions governing learner involvement as it appears in the Schools Act. For example, section 32 of the Schools Act excludes learners from the financial and management decision processes. The idea behind it is that learners are not yet financially accountable for themselves. They still depend on parents for financial support. They will therefore be unable to make accountable financial management decisions to the school governing body. The age requirement for participation in the financial management of the school is 21, the age by which they shall have finished school (South Africa, 1996).

The Schools Act is silent on the voting and contracting rights of learners. The Act employs the legal terminology "minors" to restrict learners from enjoying such rights. Bischoff and Phakoa (1999:89-92) mention that learners view the issue of voting and contracting rights as a contradiction of terms because in the country's general elections they are allowed to vote at the age of 18. Learners see this as a way of undermining their inputs in the governance and management of education in South Africa. They maintain that they are regarded useful only in political matters.

The school governing bodies should have the ability and knowledge to work with learners serving in the same structures with them. The Schools Act should be used as a guideline.

2.7.3.6.2 Educators

Just like the learners, the law regards educators as an important group of stakeholders in collaborative governance. Their involvement in the decision-making authority of schools is significant for the promotion and support of the core values of democracy. They are expected to share their professional expertise in the decision-making processes with the school governing body. Just like other stakeholders they also have a constituency. They represent all educators in the school and as such they need to be accountable to them. As learned people they need to know the legal meaning of having to represent

the interest of people who have democratically elected them (Beckmann & Visser, 1999:153–154).

As knowledgeable people, success and failure of the school governing body is in their hands. They are expected by law to perform their roles in good faith as school governing body members. Their interests should not supersede that of the school. They should reveal a high degree of dedication and commitment in their task as governors. They should comply with the contents of the school governing bodies constitution as well as with the code of conduct for good practice and performance.

Grey areas will always exist when people are in relationships and partnerships such as that of the educators and the school governing body. Such areas of tension may have a negative impact on the quality of performance of the organisation or structure. Educators are sometimes nasty. Yet they complain that they battle to get parents involved (Badenhorst & Scheepers, 1995:117-119). They are fond of undermining the status and roles of the parents because of a number of reasons such as the difficulty in accepting changes, a narrow vision about the nature and value parental involvement, ignorance about the school laws and lack of knowledge of democratic ideals as enshrined in the constitution of South Africa (Lemmer, 2002:201).

Educators' activities are surrounded by a number of codes of ethics which are enacted. The school governing body code of conduct, the South African council of Educators (SACE) code of professional ethics and Employment of Educators Act, 76 of 1998 are the watchdogs of the educators' performance and behaviour. It is therefore unto the principal and the chairperson of the school governing body to stand up firmly and implement the rule of the law for quality performance in school governance. The two have plenty of legal content to deal with educator maldiscipline aiming at defeating the purpose of school governance to democratise the education system of the country (Beckmann & Visser, 1999:160).

Just like learners, the law regards educators as important components of the school governing body. Their presence and contributions can bring either success or deadlocks. Therefore educators need to be handled more wisely.

2.7.4 THE IDEALS ON PARENTAL INVOLVEMENT BY FOUR POLITICAL PROVINCES IN SOUTH AFRICA

All of the nine provinces in South Africa has legislation dealing with education. This is allowed by the national legislation on education as long as such laws are not in conflict with the Constitution and the Schools Act (Anon, 1999:2-24). Not all nine provincial legislation on education are discussed in this study. Only four legislations are discussed. They are only used as examples to highlight how the new parental involvement find expression in the political provinces. What follows is a discussion on the legislation of four provinces: Western Cape, North-West, Gauteng and the Free State.

2.7.4.1 Western Cape Provincial School Education Act No 12 of 1997

The Western Cape starts by sharing the same definition of concepts like the Schools Act. This legislation explains the term "parent" as:

- the parent or guardian of a learner
- the person legally entitled to custody of a learner or
- the person who undertakes to fulfil the obligations of a person referred to above.

Most of the sections in the Western Cape legislation are the extensions of the Schools Act. For the purpose of this study only those sections that refer to the role of parents in school governance will be mentioned. Section 13 of the Western Cape Schools Act, no 12 of 1997 deserves to be mentioned in this regard. Just like section 16 of the Schools Act this section also places governance of the school in the hands of the school governing body. Section 13(1) proclaims that the governance of every public school is vested in its school governing body. This important role of the school governing body is taken further by section 13(2) which stresses that a governing body stands in a position of trust towards the school.

The Western Cape Schools Act helped the Schools Act greatly by granting parents in that province permission to control education through the exercise of legal authority. This authority is important to enable parents to make sound decisions on educational matters.

2.7.4.2 North West Schools Education Act of 1998

The North West Schools Act, no 3 of 1998 regards a parent as an important component of partnership for school governance and management. Its preamble uses the same words used by the Schools Act preamble when referring to the role of parents in the new dispensation. The North West Schools Act associates parents to school organisation, governance, funding of schools and partnership with the state. In this way this province also grants parents the highest authority determined by legislation.

The North West Schools Act agrees with the entire content of the Schools Act and also as well provides a number of additional on school governance and management of schools. For instance, section 11 on functions of the school governing bodies in the North West has the following to add on the Schools Act:

- (a) a governing body of a school must establish and administer a school fund into which payments and voluntary cash contributions shall be paid, and
- (b) pay the accounts for services rendered to the school following contracts entered into on behalf of the school by the governing body.

Section 12 of this provincial Act has a provision excluded by the Schools Act. The section is on membership of the school governing body. This section decrees that "if the school in respect of which a governing body is to be elected, has a hostel, a learner who is a resident of such a hostel shall be elected as a member to the governing body". This section adds to the contents of section 23(2) of the Schools Act.

Section 13 of the North West Schools Act explains the manner in which the elections of the school governing body should be conducted. Section 13(1) explains the election of a parent and educator member as an important matter. It strongly declares that the elections of these office bearers are to be conducted by an official designated by the HOD. Further the instrument maintains that the chairperson portfolio in the school governing body be given to the parents and not the principals. The rest of the subsections of section 13 deals with the term of office of the member of the school governing body in the same manner as the Schools Act.

The North West province emphasises partnership of the parents with the state. Parents are placed as front runners in the education matters of their children. Partnership as envisaged by the North West province fosters commitment and a collective responsibility. This Act just like the Schools Act is on a campaign to reposition the role of parents in line with the law.

2.7.4.3 Gauteng provisions

Gauteng province stipulations on school governing bodies of public schools use the same wording in its definition of a "parent" as the Schools Act as well as other provincial acts such as the Western Cape. The concepts "a guardian" and "a custodian" are used. Stipulation 1(c) goes further by explaining a parent as a person who usually has the care and control of a learner. The definition aims at according to a parent a massive legal authority in the education matters of their children just like legislation of other provinces of South Africa.

Section 3 of Act No 6 of 1995 on the school governing bodies in the Gauteng province explains the principles underpinning governance of schools. There are 13 principles by which the province wishes that school governance could be based upon. For the purpose of this study only principles relating to parental involvement will be highlighted:

3(f) The Department shall respect the rights and duties of parents to provide direction to their children regarding the rights referred to in paragraph (e),

3(k) The powers of governing bodies should reflect their capacity to render effective service,

3(m) The function of the governing body of a school shall be to enhance the quality of education for all learners, within the parameters of policy established by the national and provincial departments of education in terms of their legal responsibilities and competencies.

It is interesting to see how parental dominance in the school governing bodies is emphasised in terms of section 8. This sections starts by explaining how the membership shall vary according to the type and grading of schools. This arrangement is clearly explained by Schedule E (Figure 2.1). Section 8 in this way takes the tone of the Schools Act further along the devolution of power to parents in the education system of the country for the benefits of their children.

Figure 2.1: Adopted Schedule E: Composition of governing bodies by type and grading of school

1	2	3	4	5	6	7	8	9
Type of school	Grading of school	Number of learners enrolled	Number of parent members	Number of educator members	Number of learner	Number of non-teaching staff	Principal	Total number of members
Primary schools	P1 and P2	1-159	4	1	0	1	1	7
Ordinary schools	P3	160-719	5	2	0	1	1	9
Secondary schools	S3	<630	7	2	2	1	1	13
Ordinary secondary schools	S4	630+	9	3	3	1	1	17
Comprehensive schools	S3	<500	7	2	2	1	1	13

After stressing parental dominance in the school governing bodies structures in terms of section 8, section 17 went on by granting all parents voting franchise. In terms of section 17(1) every parent of a learner officially

enrolled at a school shall be entitled to vote for parent members of the school governing body. A parent shall have one vote in respect of each candidate with a maximum number of votes equal to the number of parent members to be elected. Sub-section 2 declares that a parent's vote may be exercised by a proxy voter who has the written authority of the parent, provided that a proxy voter may not exercise more than two proxy votes.

The Gauteng Schools Act just like other provinces is equally committed to improve and develop school governance and management by giving parents more powers through legislation. The Gauteng Schools Act as well shares most of its contents with the Schools Act. It also has something to write home about. It is a detailed piece of legislation. Most of the stipulations are more explicit than that of the North West, Western Cape and the Free State provinces. Such stipulations are the following:

- 43 General
- 45 Duties of school governing bodies relating to constitution and standing orders
- 46 Duties of school governing bodies relating to school policy
- 47 Duties of school governing bodies relating to school development
- 48 Duties and functions of governing bodies relating to school administration
- 49 Duties and functions relating to school funds and assets.

2.7.4.4 The Free State stipulations

It is gratifying to see how the Free State Department of Education value parents as central figures. This is evident from the formulae for the calculation of members to serve in the school governing body structure. This province grants parents more representation than the Gauteng province (Figure 2.2). Stipulation 2 provides the formulae for the calculation. Sub-section (2) uses a strong tone on the representation of parents. This section warns that under all circumstances, the number of parent members must

comprise one more than the combined total of the other members of a governing body who have voting rights.

Figure 2.2: The Free State formulae of the calculation of members of the school governing body

Categories of members	Numbers of learners enrolled at the school		
	Less than 300	300-900	More than 900
Parents	5	7	9
Learners	1	2	3
Educators	1	2	3
Non-educators	1	1	1
Principal	1	1	1
Total number of members	9	13	17

The rest of the regulations of the Free State Province Education Department on measures relating to the school governing bodies of the public schools are in agreement with the national legislation i.e. the Schools Act. The said regulations also share the same legal characteristics with that of the other provinces already discussed above.

2.7.5 CO-OPERATIVE GOVERNANCE

The law compels parents in terms of the preamble of the Schools Act to promote the principles of co-operative governance, which is a new governance concept. The parents are obliged to accept and share the responsibilities for the governance of the school (Potgieter *et al.*, 1997:19). In order to achieve the principles of co-operate governance, it will mean that they shall have to confine themselves to the demands of the Schools Act. They also have to adapt to new capacities and are forced to alter their attitudes because the chair of the school governing body belongs to them. They also have to develop their capacities in accordance with the opinions of other groups of the school and in partnership with the provincial authorities.

Furthermore, it means that consultation and co-operation are essential. In this way, parents as stakeholders are obliged to co-operate. It also means

that a high possible level of agreements be fostered for "compatibility" and co-ordination as demanded by the education White Paper 2 of 1996.

Potgieter *et al.* (1997:19-24) states the following principles of co-operative governance which are relevant to the work of the school governing bodies:

- Activities of the school governing body of the school must be to preserve peace, national unity and indivisibility of the Republic, which means that there must be harmony and stability.
- They must secure the well-being of all stakeholders in education.
- They must provide effective, transparent, accountable governance for the school.
- They must co-operate with one another in mutual trust by
 - encouraging friendly relations
 - helping and supporting one another
 - informing one another of, and consulting one another on, matters of common interest, which means working together in harmony
 - co-ordinating actions
 - keeping to agreed procedures and
 - avoiding legal actions against one another.

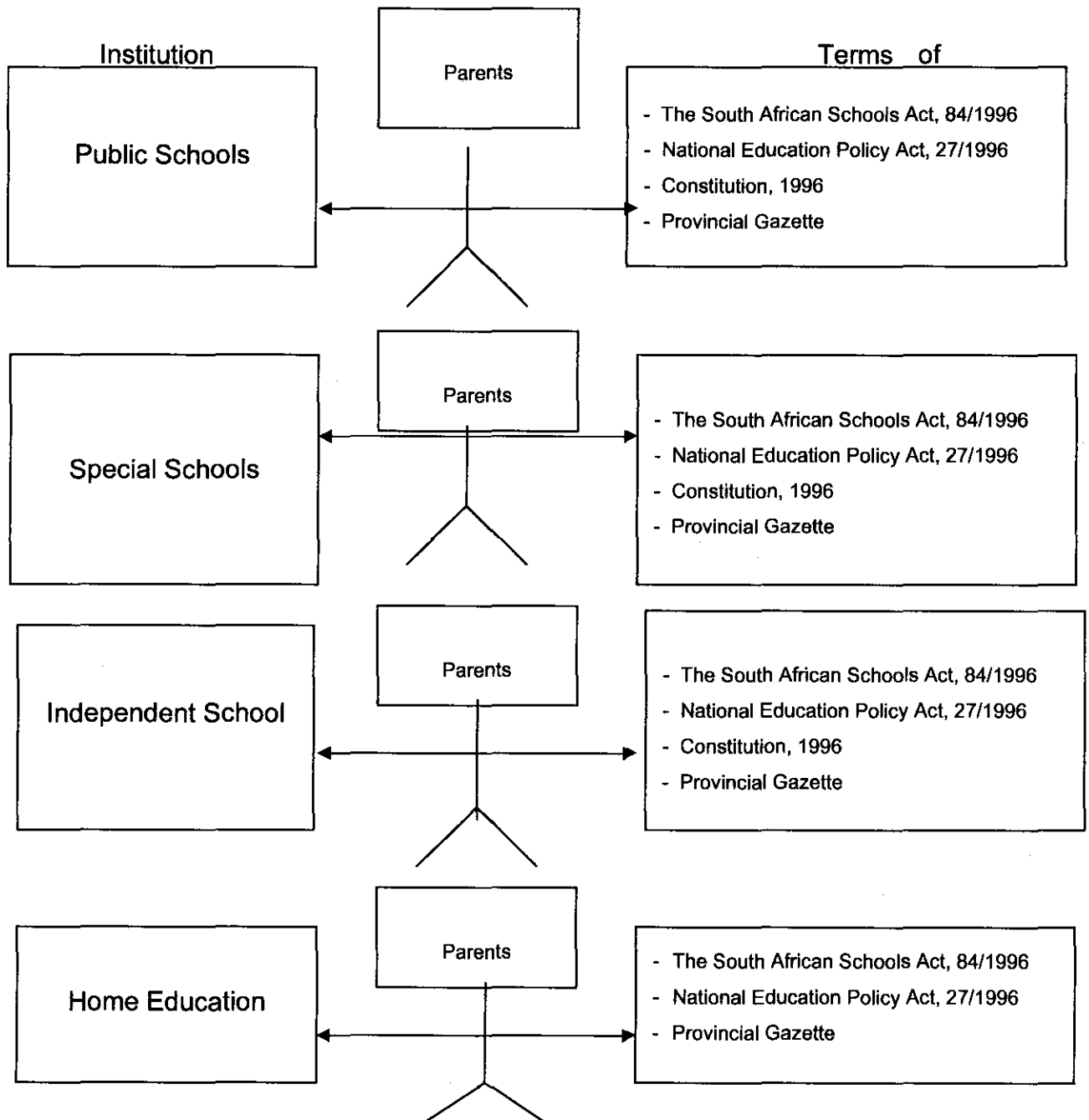
It is evident that parents in the school governing body are components of the local government which is covered by the principles of co-operative governance. They are, therefore, bound by the law to promote the constitutional principles of co-operative government in their involvement with the school.

2.8 PARENTAL INVOLVEMENT AT VARIOUS TYPES OF EDUCATION INSTITUTIONS

The South African education system has adopted a comprehensive approach to consider all aspects and bands of education more important than before. The Schools Act differentiate between the types of schools. The involvement

of parents in "special education" for learners with disabilities is highly emphasised. Parental involvement is also stressed at independent schools. Home education is another band of education that relies entirely on a high degree of parental involvement.

Figure 2.3: Terms of reference for parental involvement in various education institutions



2.8.1 SPECIAL EDUCATION

The past fragment and inadequate nature of legislation governing the education system which excluded parents in the education of learners with disabilities died after the birth of democracy in the education provision processes. The new policy developments and legislative framework recognise the involvement of parents and the community in governance and organisation of general education in South Africa. The policy development challenges parents as key stakeholders to join hands in partnership with other stakeholders to recognise diversity and help in providing quality education especially to learners who have been excluded by the previous system. In recognising the provision of education for learners with "special needs" there are no longer separate statutes that discriminate this education from the others (Anon, 1997:41-44). To investigate all aspects of "special needs", the Department of Education (DoE) appointed the National Commission of special needs in education and training (NCSNET) as well as the National Committee for Education Support services (NCESS). The purpose of NCSNET and NCESS is nothing else but to embark on an approach recognising and addressing the diverse needs of the learner population.

Parental involvement and family support are essential in special education. Two sections of the Schools Act refer to this kind of support for learners with special educational needs (Engelbrecht *et al.*, 1999:169-170). Section 23(5) propagates the co-option of a person or persons with expertise regarding the education of learners with learning barriers. Section 30(2) declares that the school governing body must establish a committee on special education needs. It is therefore important for the school governing body to set up a sub-committee which deals with support for learning in the school. The sub-committee's task will be to co-ordinate and monitor staff, parents as well as other community support (Steyn *et al.*, 1998:101).

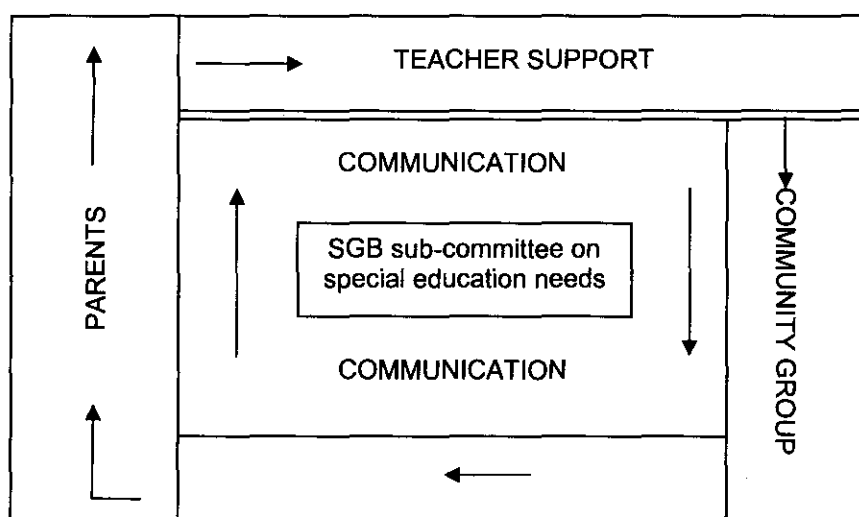
There is still a dire need to develop relationships with parents which are based on mutual respect for their roles in helping in special education. Parents' expertise and knowledge can take this kind of education long distances. Involvement will enhance social, emotional and academic growth

of learners in this programme. Parents can ensure that schools are adequately supported. The most important kind of parental involvement is participation in governance and advocating activities at school.

It is therefore important in this kind of institutions that barriers to home and school collaboration be destroyed (Ysseldyke & Algozzine, 1995:486-488). The educators and parents should work together to make the educational outcomes of learners with disabilities rosy. The educators should exercise their skills in alliance with parents.

The Schools Act is only audible about the formation of sub-committees but silent on guidelines relating to the roles of such committees. It can be taken that one of the tasks of the sub-committee of the school governing body on special needs education is the advocacy of the proper communication between the educators support team, the parents of learners with special education needs and the community group offering service. Communication is the critical link between the school and home (Figure 2.4). This sector of education needs overt communication to ensure that all stake holders understand their roles properly (Short, 1997:34).

Figure 2.4: Communication as a task of the school governing body sub-committee



According to Wolfendale (1992), parental involvement in the education of learners with special needs is a collective responsibility. She sees the following as the major areas of parental involvement:

- Parents coming in to school to help in the classroom;
- parents as educators at home helping in curriculum activities;
- home school links – written communication;
- community education/community – parents rooms in schools;
- parents display special needs – involvement in assessment.

The success of special education depends entirely on the fullest involvement of parents in this kind of education. Section 23(5) and 30(2) deal with support of parents on this band of education.

2.8.2 INDEPENDENT SCHOOLS

Parental participation at most of the independent schools is determined by the character of a particular school. For instance, a religious independent school will prefer parents identifying themselves with the religion that the school practices. Most of such schools in South Africa are church owned. In most cases members of the school governing body are members of the church owning the school. Involvement in such schools is based on Christian principles or any other religious principles. The space for the Human Rights culture is minimal.

The new legislation also stresses the importance and value of parents' involvement at independent schools. In terms of the law independent schools are not expected to maintain inferior standards comparable to that of public schools. Such schools are required to establish a democratic school governance. Parents are to ensure that there is unity and co-ordination at the school. They are to improve community support and involvement. They are to draw an admission policy for the school which does not discriminate on the basis of race. The success of these requirements rests solely on the intervention of parents. Parental legal advice, votes of parents, financial

support of parents and voluntary services by parents at the schools are important in the existence of independent schools (Steyn *et al.*, 1999:99).

The Schools Act requires that parents be involved in independent schools matters. This is possible because such schools are also expected to have a democratic school governance in terms of the Schools Act and the National Education Policy Act.

2.8.3 EDUCATION AT HOME

Home education depends entirely on a higher degree of parental involvement. Without a higher degree of parent participation, this kind of education is doomed to failure. The role of parents in the provision of home education is enacted. Section 51 of the School's Act, 84 of 1996 and section 3(4)(g) of the National Education Policy Act, 27 of 1996 explain this programme when education is provided to a learner by a parent at home. In terms of the law, a parent can employ a tutor for the learner. This programme can also be administered at home to a learner with learning disabilities (Steyn *et al.*, 1999:100).

There is a certain number of statutory duties for parents monitoring this kind of education. The parents are to keep a record of attendance as well as a portfolio of the work of the learner. All records are to be made available for inspection by the provincial department of education. There should also be evidence of assessment. The parents must keep all relevant assessment for a period of three years for monitoring by the department of education. At the end of every phase a parent should appoint an independent suitable qualified person for assessment (Boshoff & Morkel, 1999:1, 49-50).

The Schools Act and the National Education Policy Act have guidelines of this kind of education. The two pieces of legislation explain home education as entirely dependent on parental involvement. Without active parent participation this kind of education is doomed to failure.

2.9 IMPLICATIONS OF CONTEMPORARY PARENTAL INVOLVEMENT

The Schools Act has formulated the different ways of parental involvement in school matters. These ways are expressed as rights and duties of parents. The Schools Act has introduced these ways to reform the culture of parental involvement in school governance to allow for representative democracy and partnerships. However, these ways are full of legal implications. What follows is a discussion on the implications of contemporary parental involvement. The court decisions will be given to show how important it is to perform such ways within the parameters of the law.

2.9.1 LEARNER DISCIPLINE

The measures of applying and maintaining discipline in schools have changed. Discipline is the responsibility of educators, parents and the school governing body. Every person charged with the responsibility of maintaining discipline has to comply with the legal requirements of exercising it. School rules can help to promote order in schools. Suspension and expulsion are statutory measures that help to improve discipline in schools.

2.9.1.1 The new nature of school discipline

The area of discipline in schools is sensitive and fragile since the birth of the human rights culture in education as well as the democratisation of education management in the education system of South Africa. Discipline in schools changed as result of the scrapping of corporal punishment by legislation after 1994. This was evident in the court case *S v Williams and Others* 1995 3 SA 632 (CC) – 1995 (7) BCLR 861 (CC) whereby juvenile whipping was held unconstitutional. The court held that corporal punishment takes away the dignity of everyone involved. The court held that human dignity is one of the most important values underlying our constitution and must be fiercely protected. Court proceedings by uttering the following words suggestive of the change of the mind set, "we are trying to move away from the violence of the past in whatever form it may take. A culture of authority which allows violence – even something like whipping – goes against the Constitution. This does not mean we are getting 'soft' on crime. A good society will punish

criminals without sacrificing decency and human dignity" (Anon, 1998:12). Discipline is to be maintained within the broad juridical framework of legislation. It should not be in conflict with the law. It should also not infringe upon the rights, privileges and freedoms of the learners at schools. The law expects parents to understand the purpose and nature of discipline in schools. Parents are also expected to become aware of the wide variety of disciplinary measures, which vary from alternative measures, not corporal punishment, warnings, suspensions and expulsions (Du Preez, 2003:94-95; Shaba, 2003:25).

The democratisation on the education system changed the traditional methods of school discipline in schools.

2.9.1.2 The value of discipline in schools

School discipline is a weighty responsibility for both the educators and parents. It is certainly an area whereby all parents should show interest because discipline is not only needed by the school but also by parents at home. A traditional parent remains stunned by the recent standards of the behaviour of learners at schools. This is because such parents had in the past relied entirely on the school to maintain discipline of the child. Also, such parents have not been aware of the value of discipline in the education of the child. The legislative thrusts expect every parent to view discipline seriously as a means of order to help the schools to achieve its aims of creating successful outcomes for the learners. Unfortunately many parents have not been made aware of the new value of discipline through training.

According to Oosthuizen (1994:58-59), discipline is a good measure to ensure fairness for all the parties within the education system. It protects the learners against the unruly, undisciplined behaviour of other learners. It is directed at correction and not at retribution. It is there to create a secure haven where learning and teaching can take place. This is not the responsibility of the educators alone but also of the parents and school

governance and every parent at a particular school (Adams, 1992:119-20; Ng, 1999:551).

The success of learning and teaching depends on school discipline.

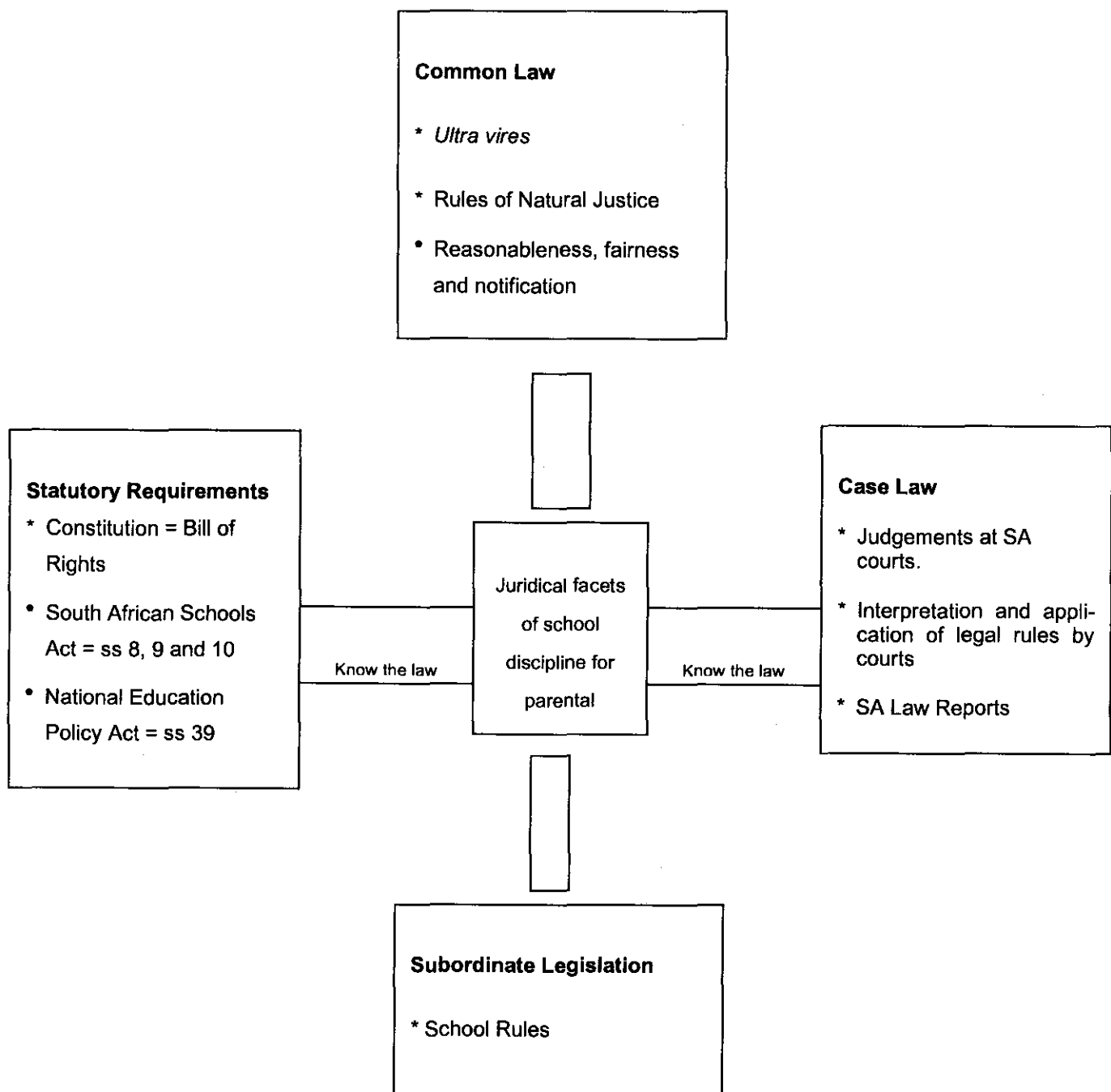
2.9.1.3 The legal responsibility for the maintenance of discipline

Every person charged with the responsibility of maintaining discipline has to comply with the legal requirements of exercising it. The rule of the law for maintaining discipline should be followed and interpreted properly. The statutory requirements governing education in South Africa give the school governing bodies the legal authority for the control and discipline of the learners. Section 8(1) of the Schools Act grant the school governing body the power to maintain discipline on behalf of parents at school. This section alter a change on the traditional rule of *in loco parentis* which is no longer confirmed by statutory law the way it was embedded in the legal history of education. Parents now have legal positions to help the school to maintain discipline (Du Preez, 2003:90).

Kok and Myburgh (1995) mention a number of important facets of maintaining discipline: the juridical cognitive, enlivenment, ethical social, authority, security, negotiation, trial and punishment. In dealing with the present statutory requirements for disciplining, the juridical facet is relevant. The juridical facet refers to the guidelines on discipline as they appear in the statutes and provincial bills (Oosthuizen, 1995:60-63). Juridical facets also relate to the influence of the common law principles and the case law on school discipline (Figure 2.5). These challenges not only face the school governing body parent members but also every parent.

In terms of section 8(1) discipline rests within the authority of the school governing body. The school governing body will be successful only if they comply with the legal requirements of maintaining discipline. Kok and Myburg's (1995:34) juridical facet can be of great help to the school governing body since the facet is law orientated.

Figure 2.5: The juridical facet of school discipline



2.9.2 CODE OF CONDUCT FOR LEARNERS

School rules are for the promotion of orderliness, fairness and efficiency in education (Du Preez, 2003:95). The educational aims are realised only in an orderly and safe environment. When there is order, teaching aims are easily expressed to parents and learners. Juridical aspects play an important role in the application of school rules because rules involve the rights, privileges and freedom of all stakeholders. School rules are a form of subordinate legislation. They can lead to court cases. It is therefore imperative that parents be acquainted with the appropriate requirements especially on school rules that regulate the conduct of pupils in the classroom, on the school grounds and on the sports field. School rules determine the code of conduct between the educators and learners (Badenhorst, 1995; Oosthuizen, 1995).

Parents should display a willingness to go along with the school to improve the standard of discipline. This willingness will only come about when there is certainty about roles. Oosthuizen (1995) mentions the fundamental principle "legal certainty" whereby subjects are in a position to know exactly what their competencies, rights and obligations are in terms of the relevant rule. Knowledge of the law is also required here to avoid troubling the law and raise ignorance as a defence.

A comprehensive code of conduct is another means of maintaining discipline at school. The law expects parents to support the school by encouraging learners to observe school rules and accept responsibility for any action of misbehaviour committed by children at school. Unfortunately the use of the Code of Conduct is not yet a popular tool to most parents. The school governing body is, therefore, expected by the law to intensively discuss the contents of the code of conduct of the learners with the parents prior to its adoption. This will grant parents the opportunity to include items in the code of conduct that relate to their religion and other rights. The schools cannot discipline or challenge the learners about items not covered by the school's code of conduct. The court case, *Danielle Antonie v School Governing Body, The Settlers High School and Others*, case no 3791/2000 shows us how the

school lost a case against a learner who was wearing dreadlocks and a cap at school as an expression of her religion. Yet the wearing of dreadlocks and the wearing of headgear were not prohibited by the school's Code of Conduct. The applicant (the learner) was held to be guilty of "serious misconduct" for wearing dreadlocks and a cap. The court ruled that the prohibition was assessed in a rigid manner. The court held that discipline must be enforced in the context of the democratic values of human dignity, equality and freedom as enshrined in the constitution of South Africa, Act 108 of 1996 (section 4.1). The decision of the first respondents, the school governing body finding the applicant guilty of serious misconduct, was set aside. The outcome of this case suggests that there is a need for training parents in the school governing body on policy matters such as the code of conduct because they have legal implications. A keen parent will discuss and share the contents thereof with the child at home. The parent will also remind the child about its content to show that he or she understands the legal implications of the documents and its value for school discipline.

School rules are recognised by the courts of law because they are a form of subordinate legislation. The parents should be in support of school rules and encourage their children to observe such rules.

2.9.3 SUSPENSION AND EXPULSION OF LEARNERS

Suspension and expulsion are the two measures of discipline driven by the law. They are serious measures in that they involve - beside parents - people of the highest stature e.g. jurists, policy makers, education-provincial authorities and the member of the executive council (MEC) for education in the province. The outcomes of the two measures are determined by the rule of the law. Those who are not law orientated, adamant, naïve or ignorant can lose the battle easily.

School suspension is a legal form of discipline for learners who violate school rules and the Code of Conduct for learners (Essex, 1999:60; Oosthuizen, 1995:67-72; South Africa, 1996:84). This measure of punishment requires that substantive and procedural provisions of due process be met. Due

process is a fundamental right guaranteed to all citizens of the country in the terms of the constitution (South Africa, 1996). It is also an international legal measure ensuring the protection of the rights of individuals. It entails the following principles: a fair hearing, a fair trial and a fair judgement (Essex, 1999:60-61; Potgieter *et al.*, 1997:6).

Expulsion is the most severe form of discipline because it separates the learner from the school for a longer period (Oosthuizen, 1994:70; Anon, 1998:32). In some instances it can be a permanent separation. It is a form of discipline for learners who have committed serious infractions. Since this form of punishment deprives the learner the right to attend school, it is preceded by a formal process hearing. Parents should therefore be on board with such administrative guidelines and have knowledge of serious infractions to go side by side with the rule of the law (Essex, 1999:64).

Both suspension and expulsion are legal forms of discipline for learners. The two measures are very serious because they require that a legal protocol be followed. The administrative law has a great influence on the implementation of the two measures.

2.9.4 GOVERNANCE

Parental involvement in the governance of the school is a separate and unique type of parent involvement. In the context of schooling in South Africa the Schools Act links governance to wider democratic objectives. The Schools Act also formulates the government expectations regarding the rights and duties of parents with regard to school governance. The Act maintains that the parent body of the particular school has the right to choose parents to represent them on the school governing body (Lemmer, 2002:204). The parent body also has the right to be informed on a regular basis on what the school governing body has decided on their behalf. The other aspects of governance relate to the following: budgeting, determining school policy, language and admission policy and making recommendations on the appointment of educators and administrative staff (South Africa, 1996:84).

School governance is a strong trend in education reform. That is why the South African government introduced it in this way to parents or governors" "Just like the country has a government, the school that your child and other children in the community attend needs a 'government' to serve the school and the school community" (Bush & Heystek, 2003:127).

However, this kind of reform does not occur without problems. Relatively few parents are actively involved in school governance and this will hamper the pattern states that the preference of most parents is not for involvement in the school governance, but for involvement in their own children's learning and in this way governance of the schools can decrease in the years to come. Most of the parents do not pitch up for meetings that have an agenda for electing the governance of the school. They dislike portfolios such as the chairmanship or acting as secretary. The reasons may be attributed to the study by Heystek (1999:105) and Lemmer (2000:201, 211), saying that parents do not like to get involved in activities that require a high level of literacy and competency. Vivian (1994) advises that the success of governance depends on the following parental concerns:

- Attending all the meetings at school;
- Supporting the school in the maintenance of discipline;
- Making the child attend school every day;
- Putting higher values on the educational needs of the child by
- Maintaining buildings (Education White Paper 2, 1996:4); and
- Showing support.

Bush and Heystek (2003:128) doubt that governance in the schools in South Africa will be sustained. They view empowerment as a key to successful school governance. Indeed, there is no widespread support to ensure that parents master and support governance. The success of school governance in countries like England was due to the training of parents. The department of education in South Africa should therefore rely on capacity building for the success of school governance.

The following points summarise the nature of school governance in schools:

- Governance view education as the shared responsibility of schools, parents, learners and members of the community (White Paper 2, South Africa, 1995).
- Governance is a means of greater representation to ensure educational accountability, legitimacy and democracy in schools.
- Greater representation is an instrument for improvement and development of schools.
- Governance is the terrain to promote discipline of learners at school.
- Without the support of the parents the efforts of the school governing body in the maintenance of discipline is doomed to failure.
- Support for the governance should not only be motivated by legislation but by the mission of parents to be part of the education of their children (Heystek, 1999:99).

2.9.5 APPOINTMENT OF EDUCATORS

The procedures to be followed when appointing educators in vacant posts at public schools is controlled by statutes. In terms of section 20(1)(i) of the Schools Act, the school governing body of a public school must recommend to the Head of Department the appointment of educators at the school, subject to the Employment of Educators Act, 1998 (Act 76 of 1998) and the Labour Relations Act, 1995 (Act 66 of 1995). This is not an easy exercise since the parent component of a governing body comprises mostly laymen who are not knowledgeable about laws. In making recommendations to appoint educators the following guidelines in terms of section 6(3)(a) of the Employment of Educators Act, 76 of 1998 should be observed: (3)(9) subject to paragraph (d) any appointment, promotion or transfer to any post on the educator establishment of a public school or a further education and training institution, may only be made on the recommendation of the governing body of the public school or the council of the further education and training institution, as the case may be, and if there are educators in the provincial department of education concerned who are in excess of the educator

establishment of a public school or further education and training institution may only be made from candidates identified by the Head of Department, who are so in excess may another person be appointed.

The recommendation must be made within a specified period which lies within two months from the date on which the school governing body was requested to make a recommendation. This is done to ensure that the filling of a vacant post is not unduly delayed by the failure of the governing body to make recommendations. Should the governing body fail to make recommendations within the stipulated time, the Head of Department has the right to make appointments within such recommendations. Also, on the other hand the Head of Department may decline the recommendation of the governing body of the public school for a variety of reasons in terms of section 3(b) of this Act.

The rights of the school governing bodies in South Africa to make recommendations for the appointment of educators has been contested at the courts of law. In the court case, *Douglas Hoërskool en Ander v Premier, Noord-Kaap en Andere* 1999 4 SA 1131 (NC), the right to make a recommendation was the subject of the matter. In filling the existing vacant post at this school, the school governing body, after following the preliminary procedures sent only the name of Ms N to the department because the candidate complied with the minimum requirements. The rest of the applicants did not meet the requirements of the post advertised. The governing body therefore decided not to hold interviews and only recommended Ms N for the post. Upon receiving the short list the department decided not to appoint Ms N, maintaining that interviews were not held and further that there were not at least three names on the short list. The court ruled that due to the exceptional circumstances of the case the matter was not referred back to the Head of Department to make an appointment. The court found that there was no reason to reject the recommendation of the governing body. The court finally made an appointment on behalf of the Head of Department (Oosthuizen & Rossouw, 2003:3-5).

The school governing body also has the power to hire educators to school governing body posts who are "non-subsidized". These are posts created by the schools in collaboration with the parents. The school governing body

pays the salaries of such educators (Calitz *et al.*, 2002:101). Educators appointed in non-subsidised posts are appointed through a contract. It is the responsibility of the school governing body to draw up a contract. The drawing up of a contract demands high skills and a high level of literacy. Giles (1994:31) suggests the following provisions of the contract for the "non-subsidised posts":

- Appointment should be strictly controlled regarding the educator's duties, duty hours, extramural duties and hours, gross salary, salary increase arrangements, anniversary bonuses, statutory salary deductions (i.e. income tax, pension, professional association fees) and arrangements with regard to the termination of service.
- Matters regarding incompetence, misconduct and disciplinary matters must be stipulated.
- Educators registered in these posts have to be registered with the South African Council of Educators (SACE).
- The remuneration package of such educators should not be more favourable than that of the educators in subsidised posts.

It is necessary that the school governing body follow the correct procedures when it comes to the appointment of educators as set out in legislation.

2.9.6 ADMISSION OF LEARNERS

2.9.6.1 Regulations on administration of admission

The admission policy is determined by the school governing body and is to be in line with the content of the Schools Act and the Constitution of the Republic of South Africa, Act 108 of 1996. The admission policy must be made available to the HOD and should be free from any form of discrimination against the learners. Unfair discrimination was the bone of contention in the court case. *Matekane and Others v Laerskool Potgietersrus* 1996 3 SA 223 (T). The case regarded admission of learners at public schools as a human right matter and as a matter not to be over ridden. The outcome of this case revealed that improper administration of admission of learners due to unfair

discrimination is a violation of section 9 of the Constitution, Act 108 of 1996 and also section 5(1) of the Schools Act which reads thus: "A public school must admit learners and serve their educational requirements without unfairly discriminating in any way". The law does not allow the school governing body of the public school to administer any test for admission of learners at a public school (SA Schools Act, 84 of 1996). A test may be administered to decide on the course or programme the child has to follow at school.

The school governing body should always act within rules of the law.

2.9.6.2 Documents required for admission

In terms of provision 14 of the admission policy for ordinary public schools promulgated in terms of the National Education Policy Act of 1996, it is required from parents to complete application forms which are to be made available by the school. The parents should also receive the administration policy and the Code of Conduct for learners of the school. The parents should furnish the school with the following documents when making an application:

- Birth Certificate;
- Immunisation Card; and
- Transfer Card or last school report card for learners who have been to school previously.

The school governing body should always remind the parent body of the documents required for admission.

2.9.6.3 Stipulations on non-citizens

Subject to the National Education Policy Act and the Schools Act the school governing body of a public school may admit children of non-citizens if the parents meet the following requirements:

- Have a study permit;

- Have a temporary or permanent residence permit from the Department of Home Affairs; or
- Evidence that they have applied for permission to stay in South Africa.

The school governing body should master the regulations on admission of non-citizens.

2.9.7 COMPULSORY EDUCATION

Adams (1992:141-143) views school attendance by the child as the onus of parents. The school law in South Africa regards school attendance as purely a parental role. Parents of school going children are to abide by the rules of compulsory attendance. This law requires parents to ensure that children receive the education which they deserve. Parents are expected to make it possible for the child to attend school in terms of the specifics of the law, i.e. from the first day of the year when the child is 7 years, until the last school day when the learner is 15 years old or in the ninth grade (South Africa, 84/1996).

The basic responsibilities of parents are not only central to compulsory attendance but also relate to late coming and absence of the child. The parents are to make sure that the child attends school in all circumstances. The child can be absent only due to "unavoidable" reason or cause. Regular attendance is needed for the achievement of educational outcomes of the learner. Late coming and absenteeism are offences directed to the parents in terms of the education attendance policies. Pardini (1995:22-23) regards such offences as sins of the children that parents must be punished for them.

In terms of section 3(5) and (6) of the Schools Act parents are expected to be seriously on course with the rule of the law. The law will crack down on parents who reveal a disrespectful attitude towards its demands. This differs from country to country. For instance, in South Africa punitive measures such as fines or imprisonment for a period not exceeding six months are measures of punishment for parents not complying with the rules of compulsory attendance. It will therefore be important for every parent or legal guardian to

give the law space to determine all parental involvement activities. It is proper to ask the question: What does the law say? In this way many will be saved from contraventions (Steyn *et al.*, 1999; Pardini, 1995; South Africa, 1996).

Compulsory attendance laws require parents to send their children to school up to a certain age (Steyn *et al.*, 1999:80). The Schools Act requires all children between the ages of 7 and 15 to attend school. However, the age admission policy regarding all schools has been reviewed as a result of the *Tyala Harris* case in January 2001. The new rule is that a younger child may start Grade one if he/she is considered ready by the school. It is the responsibility of parents and guardians to make sure that learners who are school ready are at school. Registration should be seen as a means of building a relationship between the school and parents. This relationship is characterised by a set of rights and responsibilities.

The mastering of the statutory age provisions for the diversity of the learner population is also important. It is important for parents to know the ages by which the learner must cease to attend school at Adult and Basic Education Training (ABET) centres. Parents of learners with special educational needs are not excused. Age requirements for admission of learners at schools differ according to provinces.

The law grants the MEC the right to exempt a learner from compulsory school attendance. The MEC may exempt a learner if in the opinion of the MEC, it serves the best interest of the learner. Exemption from compulsory attendance may be temporarily or permanently. The powers of the MEC to exempt a learner from compulsory school attendance is determined by the limitation clause of the Constitution. In terms of section 36 of the Constitution the right to compulsory basic education may be limited by law of general application, provided the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom taking into account, the nature of the right (De Groof & Bray, 1996:44).

Every parent is required to be on course with the rules of compulsory attendance. Internationally school attendance relate to parents.

2.9.8 SCHOOL FEES

One of the most important tasks of the school governing bodies is to recommend school fees as part of the budgeting process (Bush & Heystek, 2003:132-134). The Schools Act makes provision for the payment of school fees at public schools in terms of section 39, which states that: "Subject to this Act, school fees may be determined and charged at a public school only if a resolution to do so has been adopted by the majority of parents attending the meeting".

It, therefore, remains the responsibility of every parent to pay school fees. This money is needed to improve the quality of education at the school. The duty and responsibility of every parent at ensuring schools raise money by the payment of school fees rest on the following parental responsibilities:

- Parents should attend all meetings whereby resolutions on the amount of school fees to be charged are discussed.
- Parents should have information on the criteria and procedures for the total, partial or conditional exemption from paying school fees.
- Parents should have the school governing body to identify parents who qualify for exemptions.
- Parents should be willing to supplement to the resources supplied by the state to make basic education a fundamental right by raising and taking part in fund raising organised by the school.
- Parents should pay the school fees agreed upon to avoid legal steps taken by the school governing body for failing to pay such fees.
- Parents should respect the majority decisions. For instance, if the majority of parents vote in favour of school fees, each parent is responsible for paying the required fees, unless an exemption has been granted.

- Poor parents should not hesitate to state their financial circumstances to the school governing body to avoid denying children rights to basic education as a constitutional right.

School fees is an important and most reliable source of income for the school. Therefore, the school governing bodies should do a thorough research in an effort to determine school fees. It should not charge high amount of school fees and expect poor parents to pay such fees. It should start first by investigating the financial status of the parents (Giles, 1994:83-85). It should also prepare a school budget in terms of the provisions of the Schools Act.

Even if in terms of section 40 of the Schools Act, the school governing body owns the right to use legal action to enforce payment of compulsory school fees, that must be done in a sensible way. All possible ways to persuade parents to pay school fees must be utilised before. The court should be regarded as a last resort. A good governing body is the one that exhaust all the measures to persuade parents to pay school fees. Taking parents to the court of law can be costly for poor schools and also there is a possibility that a school can loose a case on this matter.

2.9.9 SOCIAL RESPONSIBILITIES

Parents are also accountable for their children's pregnancy while attending school. In terms of the law a pregnant learner may not be denied the opportunity to attend school (South Africa, 84/1996). Prior to the enactment of this law it was common practice that such a learner ceases to attend school. Such rules are now invalid. The right and privileges of pregnant learners are protected more than ever before. This is an international trend of stressing the constitutional rights of learners at school (Essex, 1999:66-67). The Schools Act maintain that pregnant girls be referred to hospital schools for pregnant girls (South Africa, 84/1996). The Act is silent on the pregnant learner's health, safety and well being at school. It is, therefore, for the parents to be accountable in this state of affairs and to help the school.

Governership is an example of accountability. However ordinary parents not serving in the school governing body are not excused from being

accountable. They are expected to support the school through thick and thin. The financial support is also means of accountability. In terms of the law parents are expected to supplement the resources coming from the state.

2.10 PARENTAL EMPOWERMENT

Whilst legislation on parental involvement is hailed as a milestone there is inadequate preparation on the side of parents to go side by side with it (Calitz, 2002:117, 122; Anon, 2004:10-11; Beckmann & Visser, 1999:157). The problem is that parental involvement was raised to a peak without adequate training of parents. It, therefore, remains the responsibility of the school governing body and the school managers as stake holders working closely with parents to make this metamorphic legislative era a reality by training parents on the laws. In this way they shall be turning their schools into thriving centres of excellence. The following ways can help parents to understand the laws relating to their involvement in schools: parent meetings, parent evenings, newsletters, workshops, visits to the school and circuit managers.

2.10.1 PARENT MEETINGS

Parent meetings are compulsory statutory occasions. All parents must take the responsibility for attending meetings organised by the school governing body. At meetings parents are indirectly taught. This happen when the school governing body give reports on directives of the department of education written in seculars. Information is also gained when the school governing body and the school manager present the following matters for discussion: discipline, admission, school fees and election of the school governing body. The school governing body is legally bound at meetings to inform parents about their rights and responsibilities in the light of the latter. The school governing body shall analyse and communicate the provisions of the Schools Act and the Provisions. It should keep parents informed with any other legislation which have a bearing on their rights and responsibilities in education. It also has to communicate during the meetings the legal contents

of departmental circulars or notices, articles in educational publications, press reports on relevant court cases. Together with the school manager, the school governing body should act as the "legal watch dog" of the parents (Giles, 1994:157). The law related items should feature in all the meetings and should be brainstormed. Some other school law related items are not unpacked. Both the school governing body and the school manager are legally bound to teach parents the laws relating to their involvement at school meetings.

2.10.2 PARENT EVENINGS

Parent evenings must be the forum to initiate and promote the partnership idea. Professional speakers can be invited to come and address parents on matters of the law. Unfortunately research findings (Heystek, 1999) has revealed that many black schools do not use parent evenings where information can be shared on any matter relating to the school development. Regular parent evenings can offer a very meaningful opportunity to improve the knowledge of statutes.

Parent evenings should be organised to help parents on their new rights. Outside speakers should be invited to brief parents on the laws.

2.10.3 NEWSLETTERS

In addition to the above-mentioned ways newsletters can be used. There should be a column on the laws in the periodical newsletter of the school. The column should provide guidelines, tips and techniques on law related aspects. A two way line communication should be created. Parents should be left some space for their comments on the rules of the law. Parents could as well be asked to make contribution on how feel about the laws. This method, although not used by many schools, can motivate many parents to take the laws very serious. Newsletters have both time and cost implications but they are a good means of communication between the parents and the school.

Newsletters, although time consuming and costly, can contribute a lot towards teaching parents their statutory rights and responsibilities.

2.10.4 WORKSHOPS

Parents have to be duly trained and informed about their rights and responsibilities as spelled out in statutes (Weeto, 1997:86). Workshops are the best options to train parents about their rights and responsibilities provided that they are well organised by the school manager. There is no substitute for good appropriate in-service workshops (Camp *et al.*, 2000:403-404). They increase awareness and sensitivity towards the laws. They are quite effective when conducted in the language familiar to the parents. Unfortunately the DoE only conduct workshops for parents serving in the school governing body. Again research literature on parental involvement emphasise the training needs of the school governing bodies a lot rather than on parents i.e. non-school governing body members (Beckmann & Visser, 1999:152-154).

Well organised workshops are effective. Workshops should cater all stakeholders, not only for school governing body members.

2.10.5 VISITS TO THE SCHOOL

Parents frequent visit the schools for many reasons such as the paying of school fund or when there is a problem with the performance or discipline of the child. Some parents, however, never visit the school. Such opportunities can be utilised by the school manager to orientate parents on the laws. However, some parents do not credit this time as good to teach them laws because some are always in a hurry. The manager should inform parents about their responsibilities. In doing this he will be empowering parents. Thus encouraging them to be in partnership with the school and acknowledging their contribution in the shared school governance and management.

When opportunities when parents are visible are not used, parents will not see the need of getting involved in school activities. Opportunities such as visits to the school should be used as platform to teach parents laws.

2.10.6 CIRCUIT MANAGERS

The circuit managers as agents of DoE can contribute to the effective understanding of the laws by parents. The circuit manager can make brief presentation in organised occasions of the schools. Also, they can provide information continuously through circulars and other ways of written announcements. Unfortunately, circuit managers are not doing a lot to help the schools in teaching the parents the laws. The reasons behind may be as a result of their tight schedules. But in terms of the Employment of Educators Act, No 76 of 1998, PAM Chapter A par 4 (4.6). Circuit managers are, *inter alia*, to communicate effectively both orally and in writing, with principals, other staff, parents, school governing bodies, external agencies and the Department as well as to ensure timeous feedback from institutions, to consult with all stakeholders on decisions that affect them and to chair workshops when needed. It will, therefore, mean that school managers are not using these officials adequately. Also, on the other hand, circuit managers are not performing their roles of teaching parents to the expectations of their job descriptions in terms of the law.

Schools should employ a variety of ways to teach parents the laws. The circuit managers can be used in this instance. These officials have a lot of experience on the laws. Their input can influence parents a lot to take laws very seriously.

2.11 SUMMARY

This chapter has discussed the role of legislation at ensuring that parents participate in the educational matters of the schools. The role of legislation at safeguarding the rights and responsibilities of parents in the education of their children by participating in school activities is an old practice. The national

determinants of the past regime, besides its discriminatory laws did its best to create structures for participation of parents in formal bodies such as:

- Committee Board
- School Board
- School Committee

The following are national determinants of yesteryears which influenced parental involvement in school affairs:

- The White Paper on the Provision of Education of 1983.
- The National Policy for General Education Affairs, Act 76 of 1984.
- The National Education Policy Amendment Act, Act 103 of 1986.

Besides the above-mentioned national determinants of yesteryears parental involvement has always been influenced by the following determinants:

- the common law
- the customary law
- international determinants
- statutory and non-statutory bodies of yesteryears
- religion as a determinant.

The Constitution of the Republic of South Africa, 108 of 1996 has an immense impact in the education system as it is in the other spheres. The Constitution demands from the school bodies to promote democratic principles in their involvement in school governance. Supplementary to the Constitution is the National Education Policy Act and the Schools Act to democratise the school system by giving parents the school governance of the schools. The Schools Act explains the new nature of parental involvement. This Act distinguishes between governance and management terrains in the running of schools. It also distinguishes between various types of education institutions for the needs of the diverse learner population. The new roles as formulated in this Act are full of implications. The success of

parents in discharging their rights and responsibilities depend on empowerment.

The next chapter presents an empirical research design.

CHAPTER 3: EMPIRICAL RESEARCH DESIGN

3.1 INTRODUCTION

The previous chapter has completed the literature investigation on an educational law perspective on parental involvement in school governance. This chapter aims to gather data on the extent of parents' knowledge of statutes regarding their involvement with the school. It emerged from the literature study that most of the parents still remain ill informed about statutory laws regulating the involvement in their engagement with the school. It is the aim of this chapter to investigate and support the conclusions of the literature investigation namely that parents remain behind in matters of the laws relating to their involvement as well as their rights as contained in South African Schools Act, No 84 of 1996 (Schools Act) and National Education Policy Act, No 27 of 1996.

Focus will first be on the specific aims of this research in paragraph 3.2. The reasons for the choice of the measuring instrument will be explained in paragraph 3.3 and its sub-paragraphs. The rest of the paragraphs explain the different steps that will be followed to make this research authentic. This chapter finally ends with a summary which leads to the next chapter.

3.2 OBJECTIVES OF THE RESEARCH

The specific aims of this research are in agreement with the aims of the entire research as highlighted in paragraph 1.2. These research aims are expanded as follows:

- The first specific aim of this research investigates the extent of the parents' knowledge of laws that determine their involvement in school activities. It is through the collection of data that this aim could be realised and not through making assumptions.

- The second aim investigates the extent of various ways used by the school to help parents understand their involvement as determined by the law.
- This aim wants to investigate whether schools are doing enough to help parents understand their involvement in terms of the law.
- The third specific aim seeks to determine the extent to which parents are involved in carrying out their duties and responsibilities towards the school.

This aim also relies on valid and reliable data collected to prove whether parents are aware of their responsibilities and obligations towards the school as written in legislation.

3.3 METHOD OF RESEARCH

3.3.1 THE QUESTIONNAIRE AS A RESEARCH TOOL

A questionnaire is a method used to gather information from a number of individuals, i.e. a sample in order to learn something about the larger population from which the sample is drawn (May, 1993:65; Gall *et al.*, 1996:67). The respondent fills it in by himself or herself. In writing the respondent is asked about his or her knowledge of, and attitude and response to a particular subject. If properly constructed, a questionnaire assists in collecting data, which is a reliable method (Bennet *et al.*, 1994:248; Mouton, 1996:67). That is why its use is extremely widespread in research. Unlike the qualitative methods the quantitative methods is ideal when the research covers a wide spectrum of respondents. The quantitative method was chosen in this research because of time constraints (Green, 2000:19). The qualitative methods could not be used since it deals with a small number of respondents. Also the qualitative methods use narrative techniques which are not applicable in this study. This study uses statistical techniques which the qualitative methods provide (Marlow, 1993:66-67).

There are two types of questionnaires viz.: structured and unstructured. A structured questionnaire calls for short, check-mark responses. The respondent only makes ticks. In the unstructured questionnaire the respondents write their answers in their own words. The first type of the questionnaire does not require a long concentration span. That is why it was chosen as the best option in this study.

Before the choice of the instrument could be decided on, the nature of the respondents was first taken into consideration. The respondents of this questionnaire are parents. Parents require instruments that will provide high stimulus because of their age. They require instruments that are very short and that avoid fatigue. They require instruments with an easy vocabulary which are quite easy to answer.

For quality purpose research was also done on the questionnaires of some of the completed researches. The following completed works were consulted: Weeto (1997), Giles (1995) and Mongake (2001). Unfortunately questionnaires from these works could not be utilised in this research for a number of reasons. In the first instance such questionnaires were for respondents with a high level of literacy, like the principals. Also, the topics of the mentioned researches differed significantly from the topic of this study.

A closed structured questionnaire was seen as the best option for this research for the following reasons:

- It will arouse the interest of parents.
- It will be completed with ease.
- It will be within the parents' ability to answer.
- It will cater for all literacy levels.
- It will be eminently simple and straightforward.
- Its layout will not be compressed.

3.3.2 ADVANTAGES OF THE QUESTIONNAIRE

The following are some of the advantages of the questionnaire as used in this study (Neuman, 2000:271-272; Xaba, 1999:165-166; Keeves, 1997:422; Weeto, 1997:66-67):

- It can be administered personally by the researcher. This will allow the researcher to explain to parents the meaning of items that may not be clear to them.
- It can be administered to respondents at one place. This system saves time and at the same time reduces costs. Also, it accelerates a high degree of the response rate.
- It can be limited to a reasonable size. This will be good for parents who are not interested in things that take a great deal of time and effort. When the questionnaire is too long, unfavourable reactions will be intensified such as non-completion and non-response.
- It is suitable for respondents who are always busy. Parents are engaged in and committed to many matters in society. It is a suitable instrument for them especially when it is well structured, where they choose answers by only ticking. This is unlike the unstructured questionnaire where the respondents give their own answers in writing.

3.3.3 DISADVANTAGES OF THE QUESTIONNAIRE

Despite its merits, a closed type questionnaire has shortcomings. However, such limitations cannot do away with its value as a research instrument in this study. The following are some of the disadvantages of a questionnaire as a research instrument (Keeves, 1997:425-426; Bennet *et al.*, 1994:248; Mouton, 1996:144; Neuman, 2000:271-272; Gall *et al.*, 1996:291-298).

- There is a possibility of a low response rate as a result of a low level of literacy.
- Questionnaires may not be returned in time.
- Reminder letters are needed and have costs and time implications.

- A questionnaire may be fixed by many respondents at an informal place, e.g. a drinking party.
- Incomplete questionnaires can also be a serious problem.
- Items may be personalised and frustrate the respondents.
- The respondents can interpret questions wrongly.
- Little can be done to rectify wrongly interpreted questions.

3.4 CONSTRUCTION OF THE QUESTIONNAIRE

The questionnaire used in this study was carefully constructed to keep the interest of the respondents very high. Everything was done to make the questionnaire of this research an ideal one. Everything was done during the construction of this questionnaire to target questions that would maximise the co-operation of respondents. Many hints were considered such as the ones formulated by Best and Kahn (1993:237-239) and Gall *et al.* (1996:291-298):

- Keeping the questionnaire as short as possible.
- Organising items so that they are easy to read and to complete.
- Numbering the questionnaire pages and items.
- Including brief, clear instructions, printed in bold type and in upper and lower case.
- Organising the questionnaire in a logical sequence.
- Having its appearance neatly arranged and clearly printed.
- Having directions clear and complete.
- Having objective questions with no leading suggestions.
- Having a questionnaire which is easy to tabulate and to interpret.
- Avoiding research jargon.
- Asking one question at a time. Every question should deal with one idea.

- Avoiding questions that will make too many demands on the part of the respondent time.

A lot of help was received during the planning and construction of this questionnaire. Different questionnaires were studied and scrutinised. Items of this questionnaire were submitted to experts for criticism and inputs. This was done to reduce faults in the questionnaire such as not wording the questionnaire clearly. It is, therefore, concluded that the items in this questionnaire are very clear.

This questionnaire comprises 46 items for a population of parents who mostly are not exposed to reading and writing on a daily basis. Questions have been planned in such a way that they are in line with the literature study. The questionnaire is made up of four sections (Appendix C):

Section A: Biographical information

Section A deals with items on biographical data. The data will help the researcher to gain a lot of understanding into the differences between the item of this section. The crucial items in these sections are 2, 3, 4, 5 & 6. Items 2 will indicate to the researcher which gender is more informed about school law. Item 3 will be used to indicate the number of parents who are school governing body members. A comparison of their responses will also be highlighted in this research.

Item 4 enquires after the number of years a particular parent has been attached to a particular school. In other words, the item enquires the experience of involvement. Item 4 links with items 5 and 6. The latter enquires after the classification of the school and the former after the location of the particular school.

Section A assesses background information in general that will assist in understanding the responses.

Section B

Section B consists of items that investigate the extent of the parents' knowledge of statutes that determines their involvement in school activities. The ten items contain sections from the Schools Act and the National Education Policy Act. The aim of the researcher is to test whether parents have knowledge of stipulated valid parental duties. This would assist the researcher to make recommendations on how parents could be helped in matters of parental involvement and the law.

Section C

This section assesses the extent of different methods used by the school such as: parent meetings, parent evenings, newsletters, workshops, visits to the school and the work of circuit managers to teach parents the laws. This would be pivotal in the recommendations for capacity building.

Section D

Section D is the climax of this study. It investigates the extent to which parents are involved in carrying out their duties and responsibilities. Section D consists of items that indicate the statutory roles of parents. Statutory responsibilities highlighted by the Schools Act and the National Education Policy Act are assessed in this section. Such statutory roles are the following:

Section B comprises True or False items.

Sections C and D require respondents to rank items on the Likert 4 point scale: 1 = No extent, 2 = Little extent, 3 = Adequate extent and 4 = Great extent.

3.5 PILOT STUDY

Steyn *et al.* (1994) view piloting of the questionnaire as a good approach towards authentic research. This involves the completion of a questionnaire by a few individuals selected arbitrarily from the population. A pilot study identifies ambiguities in the questionnaire and often helps to determine

categories that can be used. Final structured questions are derived from the pilot study. It makes sense to reveal defects in the questionnaire before it is sent out to respondents.

The questionnaire of this study was first submitted to the promoter of this research for comments. Thereafter the questionnaire was piloted on a sample of four schools ($N = 4$) not included in the population. From the sample of schools, the principal and one educator member of the school governing body were requested to comment on the following:

- The relevance of the questionnaire.
- The length of the questionnaire for parents.
- The instructions of the questionnaire.
- The quality of language used in the questionnaire.
- The general layout of the questionnaire.

These individuals were considered because of them being thoughtful and critical experts on parental involvement. They provided information on the deficiencies and suggestions for improvements.

The results of the questionnaire were highly appreciated and the recommendations thereof were implemented without hesitation.

3.6 THE DISTRIBUTION OF THE QUESTIONNAIRE

This study followed the ideal method of questionnaire administration. The researcher delivered the questionnaire personally to schools. In some schools the researcher was allowed to hand out questionnaires personally to parents who visit schools on certain days. In this way it became easy to clarify ambiguous instructions. It also became quite easy to retrieve the completed questionnaires. This method of questionnaire administration has remarkable advantages such as the following:

- It has a good probability of a high response.

- Respondents do not have the opportunity to refuse.
- It is quite economical, unlike the mailed questionnaire which needs envelopes and postal stamps.
- It offers a maximum means of encouraging the respondent to complete the questionnaire.
- It offers an economic way of making follow-ups, unlike the administration of mailed questionnaires where follow-up letters and telephone calls need to be made.

In this study the researcher's task was easy. Principals helped a lot as contact persons. In some instances respondents personally submitted questionnaires to the researcher. Consequently they were completed within a reasonable time.

3.7 POPULATION AND SAMPLING

It is impossible to include everyone concerned in the research study in the investigation. Sharp and Howard (1996) assert that it is proper to take a smaller group from the population and execute research with them (i.e. the sample). They also emphasise that it is important that the results which arise from the investigation be applicable to the population. Such results can be regarded as generally valid, they maintain.

Best and Kahn (1993) define a population as any group that is subject to the research interest. The population may be all the individuals of a particular type. Schools, churches, schoolteachers and hospital nurses may be populations. The population of this study are parents.

The concept "sampling" cannot be disassociated from the concept "population". A sample is a small proportion of a population selected for observation and analysis. By observing the characteristics of the sample, one can make certain inferences about the characteristics of the population. Samples are not selected haphazardly. They are chosen in a systematically random way. Samples must be representative of the population concerned.

It should not be biased. A sample is biased if it represents only a specific sub-group of the population or when particular subgroups are over or under represented (Best & Kahn, 1993:13).

For the sampling procedure to be effective there are various steps that need to be followed (Anon, 2003:20):

- Define the population.
The population is defined in terms of (a) elements, (b) units, (c) extent, and (d) time.
- Specify the sampling frame.
Sampling frame refers to the list of all sampling units in the population. A sampling frame may be for e.g. a class list, a telephone book and an employee list.
- Specify the sampling unit.
Elements of a sampling unit refer to the unit about which information is sought.
- Specify the sampling method.
- Determine the sample size.
A decision needs to be taken on the number of the elements of the population to be sampled.
- Specify the sampling plan.
- Select the sample.

The population of this research is made up out of 150 parents from the two circuits of Bodibe and Itsoseng in the Lichtenburg district. Out of 58 schools of the circuits, 25 schools were randomly selected (with the exception of the four schools that were used in the pre-test of the questionnaire). From the 25 schools, 6 parents from each school were selected by means of convenience sampling because of the difficulty of reaching parents in the sampled schools. Moreover, a list of parents of a particular school were not readily available (Table 3.1).

To avoid bias in a sample the random sampling method was used to select schools. Through this method each member of the population has an equal chance of being selected for the sample (Thomas, 1998:140). Every member of the population, i.e. every school was given a number beginning with 1 and ending with 58. Thereafter each number was written on a piece of paper. The papers were put in a small box and thoroughly shuffled. The papers were taken out one by one until the predetermined number of 25 schools was obtained.

Table 3.1: Target population

Parents	Schools	Selected schools	Number of parents per school
150	58	25	6

3.8 THE RESPONSE RATE

Questionnaires were distributed to the sample population of both Bodibe and Itsoseng circuits of DoE. Table 3.2 indicates both the distribution and the response rate of the questionnaires.

Table 3.2: The distribution and response rate table

Sent out		Returned	
f	%	f	%
150	100	137	91,3

The response rate indicates that 91,3%, which means 137 parents, reacted to the request. This is a favourable response rate. It is adequate to make generalisations.

Only 13 parents did not respond to the request of the researcher. This constitutes only 8,7% of the questionnaires issued. The reasons for non-response may be associated with the following factors:

- Lack of interest.

- Pure reluctance.
- Literacy level.

3.9 ADMINISTRATIVE PROCEDURES

Permission to conduct research in the sample of Lichtenburg District of DoE was requested from the district manager (Appendix A). The district manager requested the names of the schools included in the sample of the study. The district manager then granted permission after having scrutinised the list of schools (Appendix B). The questionnaire was included in the letter that requested permission from the district manager (Appendix C).

3.10 FINALISATION OF THE QUESTIONNAIRE

The returned questionnaires (Table 3.2) were collected and sent for analysis to the Statistic Consultation Service Department of the Potchefstroom University for CHE.

This institution analysed and processed the data collected by means of the SAS-programme. The programme established mean scores, frequencies, techniques and rank ordering. This was done to test the knowledge of respondents on the laws and also to determine their involvement in the school. A t-test was also utilised for analysing differences between the means of certain scores.

3.11 CONCLUSION

This chapter has outlined the design of the empirical research on the educational law perspective of parental involvement in the school. The specific aims of the research were highlighted, followed by the discussion for the choice of the questionnaire as an instrument to gather data. Both the advantages and disadvantages of using the questionnaire were explained. The structure of the questionnaire, its pilot process, its administrative

procedures, the population and its final landing at the statistical analysis department were discussed in this chapter. The chapter concluded with a discussion of the problems encountered by the researcher during the collection of questionnaires.

CHAPTER 4: DATA ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

The aim of this chapter is to analyse and interpret the data collected by means of a questionnaire. This involves the interpretation of data on the biographical information of respondents. The interpretation of mean scores, frequencies and rank ordering will also be given. The differences between mean scores will also be analysed by employing the t-test. The chapter will conclude with a summary on the contents of the chapter.

4.2 BIOGRAPHICAL INFORMATION

Section A of the questionnaire of this study (Appendix C Section A 1-6) assesses background information that will assist in understanding the responses. Table 4.1 presents data on the biographical information of respondents.

Table 4.1: Biographical information of respondents

Item	Frequency	%
1. Age		
21 – 30	-	-
31 – 40	88	64,23
41 – 50	26	18,98
Over 50	23	16,79
Total	137	100

Item	Frequency	%
2. Gender		
Male	62	45,26
Female	75	54,74
Total	137	100

Item	Frequency	%
3. Membership of the school governing body		
Member	80	59,70
Not a member	54	40,30
Total	137	100

Item	Frequency	%
4. How long has your child being attending this present school?		
0 – 1 years	1	0,73
2 – 3 years	40	29,20
4 – 5 years	96	70,07
5 – 6 years	-	-
Above 6 years	-	-
Total	137	100

Item	Frequency	%
5. Type of school		
Primary school	102	74,45
Higher Primary School	2	1,46
Middle school	19	13,87
High school	14	10,22
Total	137	100

Item	Frequency	%
6. Location of school		
Rural	15	10,95
Urban	122	89,05
Total	137	100

4.2.1 AGE

The ages of parents are reflected in Table 4.1. The age categories were divided into four age groups (Appendix C Section A 1-6) viz: 21-30 years, 31-40 years, 41-50 years and over 50 years. The largest component of parents, 64,23% is clustered between 31-40 years. The second age group of about 18,9% is around 41-50 years.

All the respondents are above the age of majority which is 18. This is the age of adulthood in terms of section 28 of the SA Constitution. The majority of the young respondents (see 2.2.1) suggests that they were siblings who are acting as parents because parents are working far away from home and come at certain intervals as was mentioned in the literature study (par. 2.2.1).

4.2.2 GENDER

The majority of respondents are females (54,74%). Males accounted for 45,7% of the total number of respondents. The implication here is that, in spite of the working commitments females are facing nowadays, they still show commitment to their roles as parents towards the school (par. 2.7.3.5). It can also imply that males are still keeping to their tendency of shifting the education of their children to females as was revealed by the literature study (par. 2.8.4).

4.2.3 MEMBERSHIP

The responses to this item, membership of the school governing body, indicate that the majority (59,70%) of respondents are the school governing body members. 40,30% of the respondents do not serve in the school governing bodies of schools. This shows that the population consists of both members and non-members of the school governing body (par. 2.2.4).

It will be expected in terms of this study that the school governing body members be more knowledgeable about the statutes on parental involvement than non-members. The school governing body members deal with policy matters. However, non-members have powerful roles in the decision making processes. For instance, matters on the school budget and school fees cannot be finalised without them (par. 2.2.4).

4.2.4 THE NUMBER OF YEARS THE CHILD HAS BEEN ATTENDING SCHOOL

The purpose of this item was to ascertain whether respondents have learners who are currently registered at a particular school. Registration is a means of building a relationship between the school and parents. Registration is controlled by a set of rights and responsibilities (par. 2.10.1). The responses

on these items were divided into two groups, viz: 2-3 years and 4-5 years. The majority of parents (70,07%) indicated that their children had been attending a particular school for the period ranging between 4 and 5 years. This is a sufficient period for a particular parent to gain knowledge of the rights and responsibilities in the education of the children.

4.2.5 TYPE OF SCHOOL

For the purpose of this research, the above item i.e. type of school, is divided into two groups. Items 5.1 and 5.2 are classified as primary schools and items 5.3 and 5.4 as secondary schools. The responses represent the opinions of the primary school parents. This adds to the reliability of findings because the literature (par. 2.7.3.5) shows that primary school parents are more involved in school activities than secondary school parents. The secondary schools parents constitute 24,1% of the respondents.

4.2.6 THE LOCATION OF THE SCHOOL

The respondents were requested to indicate whether their schools were rural or urban. Table 4.1 outlines that children of 10,95% of the respondents attend rural schools and that children of 89,05% of the respondents attend urban schools. The implication here is that urban respondents were within reach when the study was made. It also suggests that, unlike rural parents, urban parents do not experience many barriers that prevent them from getting extensively involved with the school (par. 2.7.3.5).

4.2.7 CONCLUSION

The discussions above on the biographical information of parents will be of great assistance in understanding the nature of this research study. Some of the data will be used in the further analysis in the next sections.

4.3 ANALYSIS OF RESPONSES OBTAINED ON THE EXTENT OF PARENT'S KNOWLEDGE OF STATUTES

4.3.1 INTRODUCTION

The frequency table (see Table 4.2) will be used in this section to interpret and analyse data. Frequencies will also be converted into percentages. The true/false answers were used to test respondents' knowledge of statutes (Appendix C). It was like an examination; therefore Table 4.2 will serve as a memorandum as well. The wrong answers have been shaded in Table 4.2. They represent statutory provisions that parents do not understand. Frequencies will be used to indicate how many scores are true and how many are false on every item of this section.

Table 4.2: The extent of parent's knowledge of statutes

Items			Frequency	%
1.	No learners may be refused admission because parents are unable to pay school fees	True	43	31,39
		False	94	68,61
		Total	137	100
2.	A school can sue parents for outstanding fees	True	42	30,66
		False	95	69,34
		Total	137	100
3.	The parent body decide on the school fees to be paid	True	91	66,42
		False	46	33,58
		Total	137	100
4.	Rich parents may be exempted from paying school fees	True	83	60,58
		False	54	39,42
		Total	137	100
5.	Parents in the school governing body are to constitute a majority of members	True	54	39,42
		False	83	60,58
		Total	137	100
6.	Parents who are employed at school cannot represent parents on the school governing body	True	78	56,93
		False	59	43,07
		Total	137	100
7.	The chairperson of the school governing body should be the principal	True	85	62,04
		False	52	37,96
		Total	137	100
8.	Parents in the school governing body appoint teachers in permanent posts	True	91	66,42
		False	46	33,58
		Total	137	100
9.	The terms of office in the school governing body is five years	True	55	40,15
		False	82	59,85
		Total	137	100
10.	Every parent has to cause the child to attend school	True	78	56,93
		False	59	43,07
		Total	137	100

4.3.2 RESPONSES OBTAINED ON THE EXTENT OF PARENTS' KNOWLEDGE OF STATUTES

Data obtained from parents in this section i.e. section B (Appendix C) are outlined in Table 4.2. The following conclusions and inputs are observable on each item according to Table 4.2.

Item B1: No learner may be refused admission because parents are unable to pay school fees

The frequency of this item indicates that the majority of parents (68,61%) still remains ill-informed on a stipulation relating to the admission of learners to public schools in terms of section 5(3)(a) of the Schools Act. Parents have responded by maintaining that the statement is "false" whereas it is true. Only 43 (31,39%) indicated that it is "true".

Item B2: A school can sue parents for outstanding school fees

The majority of parents (69,34%) indicated that the above-mentioned statement on the enforcement of payment of school fees through legal process is "false" whereas it is true. The reasons for not knowing can be associated with the non-attendance of the meetings by parents at the school (see par. 2.12.3). The literature study indicated that it is at such meetings where financial policies are outlined by the school governing body about their powers to enforce through the law the payment of school fees in public schools (par. 2.9.8). Only 30,66% indicated that they know this stipulation on the enforcements of school fees by responding correctly i.e. "true".

Item B3: The Parent body decide on the school fees to be paid

The majority of parents (66,42%) responded by answering that the above-mentioned statement is "true" and the small number (33, 58%) indicated that the statement is "false". This is a true statement in terms of the Schools Act (par. 2.9.8). The implication may be that this method is similar to the old paradigm method of deciding on the amount of school fees to be paid (par. 2.3.2).

Item B4: Rich parents may be exempted from paying school fees

Most of the parents (60, 58%), on the question of exemption from paying school fees, demonstrated that they do not know by answering "true" when the statement is "false". Only the minority of parents (39,42%) indicated that they have knowledge on this matter. They may be parents who always attend meetings called by the school (par. 2.9.4).

Item B5: Parents in the school governing body are to constitute a majority of members

The responses revealed that (60,58%) of the parents do not know what the above-mentioned regulation means by answering "false" when the correct answer is "true". Only 39,42% of the parents indicated in their responses that they have knowledge on the above-mentioned stipulation relating to the elections of the school governing body. This implies that parents need to be capacitated on the aspects of the law such as the one mentioned above (par. 2.6.3).

Item B6: Parents who are employed at a school cannot represent the parents on the school governing body

The responses on the above-mentioned regulation on the membership of the school governing body at a public school revealed that 56,93% know the composition of the school governing body by answering "true", which is the correct answer. 43,07% of parents do not know this stipulation.

Item B7: The chairperson of the school governing body should be the school principal

The responses of parents on the question of the chairmanship of the school governing body are unexpected. The majority of parents (65,04%) responded by saying that this statement is "true" whereas the statement is "false". The minority of parents (37,96%) responded correctly in terms of the law by saying the statement is "false". The reasons for "not knowing" can be associated with the leadership roles of school principals whereby they are not informative on the rules of the law on school governance. Some of the school

principals are reluctant to employ statutes as a means of good guidance (par. 2.7.3.5).

Item B8: Parents in the school governing body appoint teachers in permanent posts

School committees during the old dispensation were empowered by the law to employ teachers in permanent posts. A committee board had powers to make such appointments (par. 2.3.2). It does appear that this practice is still prevalent in the minds of some of the parents. This is seen by the majority of the responses (66,42%) which incorrectly maintain that the school governing body has powers to appoint teachers in the permanent posts. A small number (33,58%) has a knowledge of what the law says today on the employment of teachers by having responded by answering that the statement is "false". The law today stipulates recommendations in the appointment of teachers in permanent posts (par. 2.9.5). It is clear that parents do not understand the difference between making appointments and making recommendations. To them both mean the same.

Item B9: The term of office of parents in the school governing body is five years

The responses of parents on the question of the term of office of the school governing body showed that the majority of parents have ideas on this matter. 59,82% of parents revealed that the statement on the term of office of the school governing body has been wrongly phrased. The respondents demonstrated that they know the legislated period which is a period not exceeding 3 years (par. 2.6.3). 55 parents i.e. 40,15% said that the statement is true. This percentage appears significantly high and indicates that some parents still do not know this provision.

Item B10: Every parent has to cause the child to attend school

The majority of responses are in line with the rules of the law. This question is derived from section 3(1) of the Schools Act although it has been abridged. The majority of parents (56,93%) said it is true, it should be like that throughout. As many as 43,7% of respondents do not know that this is their

responsibility as parents. These are the parents who do not understand the rules of compulsory attendance as contained in section 3 of the Schools Act or they are merely ignorant.

It is possible that responses to this question have been influenced by other institutions such as the church. The church instilled this responsibility in many parents through baptism (par. 2.6). The customary law also influenced parents to urge their children to go to school (par. 2.3.7). Together with relatives, parents accepted the responsibilities to make children attend school. Also for many years the common law emphasised the social and legal responsibilities parents had to their children. From the common law the question of compulsory school attendance features (par. 2.3.7). In spite of this, a relatively high percentage of parents still do not know their responsibilities regarding attendance.

4.3.3 CONCLUSION

The discussion above has outlined that most of the parents lack knowledge on the provisions relating to their duties and responsibilities towards the school. Lack of knowledge indicates failure to train parents adequately to be able to apply the laws in practice. The discussion above can be concluded in this way.

The provisions parents are ignorant of

- 68,61% do not know the rules of admission of learners.
- 69,34% do not know that the school can sue them for outstanding school fees.
- 60,58% do not have knowledge of the rules of the exemption of school fees.
- 60,58% do not know that parents are to constitute a majority in the school governing body.
- 62,42% do not know how teachers are appointed to permanent posts.

The laws that parents "know"

- 66,42% know that the parent body decides on the school fees to be paid.
- 56,93% know that parents who are employed at the school cannot represent parents in the school governing body.
- 59,05% know the exact term of office of the school governing body.
- 56,93% know that it is their responsibility to cause children to attend school.

4.4 ANALYSIS OF RESPONSES OBTAINED ON THE EXTENT OF THE VARIOUS WAYS USED BY THE SCHOOL TO ASSIST PARENTS IN UNDERSTANDING THE LAWS RELATING TO PARENTAL INVOLVEMENT

4.4.1 INTRODUCTION

The purpose of this section is to provide a clear picture on whether the schools are doing enough to inform parents about the laws concerning their involvement in the schools. The rank ordering technique will be employed to achieve the aforementioned aims accompanied by the four point Likert scale viz, 1 = No extent to 4 = Great extent. Thus the mean score of less than 2,5 was considered to be of lesser extent, and mean score of greater than 2,5 as of great extent.

4.4.2 RANK ORDERING OF THE VARIOUS WAYS USED BY THE SCHOOL TO ASSIST PARENTS IN UNDERSTANDING THE LAWS

Table 4.3 displays the rank ordering on the various ways used by the school to assist parents to understand the laws. The mean scores have been included because they make rank ordering possible. The mean scores have been arranged to reveal the mechanisms mostly employed by the school to orientate parents on laws concerning their involvement.

Table 4.3: Rank ordering on the various ways used by the school to assist parents in understanding the laws

Rank order	Ways used by the school to teach parents laws	Question number	Mean score
1	Workshops	C4	2,82
2	Parent meetings	C1	2,10
3	Visits to the school	C5	1,13
4	Circuit managers	C6	1,09
5	Parent evenings	C2	1,07
6	Newsletters	C3	1,03

1. Workshops (C4)

The data collected show that workshops rank number 1. The mean score rating of the workshops as a tool to teach parents the laws is 2,88 which is greater than 2,5 (par. 4.4.1). This mean score rating suggests that workshops have been used by the school to a great extent. It may also mean that parents view workshops as the best method to capacitate them on the law.

The literature investigation has revealed that workshops have been conducted only for members of the school governing body (par. 2.10.4). The implication may be that the respondents view this method as the best option to teach them the laws since this method was used to train parent members in the school governing body.

2. Parent meetings (C1)

Parent meetings as a method to teach parents the laws ranked number 2. The mean score rating is below the cut-off point of 2,5. This suggests that meetings are used to a lesser extent by the schools to teach parents the laws.

It may also mean that parent meetings are held but law related items are not discussed. The school governing body should analyse and communicate the provisions of the school Act and the regulations to parents (par. 2.10.1).

3. Visits to the school (C5)

The above-mentioned method ranks number 3 with the mean score rating of less than 2,5 i.e. 1,13. This may suggest that parents are not orientated about the aspects of the laws during their visits to the school. It may also suggest that parents do not credit this method as good enough to teach them the laws. Some parents never visit the school (par. 2.10.5).

4. Circuit managers (C6)

The data analysed reveal that the above-mentioned method of teaching parents the laws is not effective. The role of circuit managers ranked number 4. The mean score rating is also less than 2,5 i.e. 1,09 which suggests that this method is employed to a lesser extent. The implication here may be that most of the schools are not involving the circuit managers to help them to capacitate parents on the laws relating to their involvement. It can also mean that the circuit managers are not performing their roles to the expectations of their job descriptions in terms of the law (par. 2.10.6).

5. Parent evenings (C2)

Table 4.3 indicates that the parent evenings as method of capacity building is not effective. This method ranked number 5 out of six rankings. The results concur with the literature study investigations that parent evenings are not a popular practice in black schools (par. 2.10.2). The analysis also indicates that the parents maintain that this method is used to a lesser extent by the school because the mean score rating is far less than 2,5, it stands at 1,07. Regular parent evenings can offer a very meaningful opportunity to improve the knowledge of statutes.

6. Newsletters (C3)

Newsletters create a two-way line of communication between the school and the parents (par. 2.13.4). Table 4.3 shows that this method is not employed by the school to teach parents the laws. The data analysis of 1,02, less than 2,5, agrees with the literature study that newsletters are not used by many schools because they have both time and costs implications (par. 2.10.3). It

may also mean that newsletters are utilised by the schools but they are silent on the orientation of the laws for parents.

4.4.3 CONCLUSION

The aim of the discussion above was to find out whether the schools are utilising the different methods mentioned to increase knowledge and practise of the laws and not only involvement by the parents. The discussion has revealed that respondents view the workshops as the best method to teach them laws. The use of workshops ranked number 1 whilst the use of newsletters ranked last, i.e. number 6. This is an indication that the schools are not doing enough to teach parents the laws. Maybe schools do not have copy facilities or parents cannot read or children do not give letters to their parents. The findings that schools are not doing enough is affirmed by the mean score ratings less than 2,5 which suggests that the particular method is used to a lesser extent.

4.5 AN ANALYSIS OF RESPONSES OBTAINED ON THE ACTIVITIES PARENTS ARE EXPECTED TO CARRY OUT IN TERMS OF THE LAW

4.5.1 INTRODUCTION

The aim of this section is to determine the extent to which parents fulfil their duties at school. To analyse and discuss the responses frequencies are used. Frequencies will be highlighted in the Likert four-point scale, viz: 1 = No extent and 4 = Great extent. Table 4.4 will provide detailed information on the frequencies.

The mean score of above 2,5 will mean that a particular activity is performed to a greater extent whilst the mean score of less than 2,5 will mean that a particular activity is performed to a lesser extent (par. 4.4.1).

Table 4.4: Frequencies on the activities parents are expected to perform in terms of the law

Activities	1 No extent		2 Lesser extent		3 Adequate extent		4 Great extent	
	Freq	%	Freq	%	Freq	%	Freq	%
1. Ensuring that my children attend school daily	-	-	2	1,48	93	68,89	40	29,63
2. Ensuring that child(ren) attend school even if I am unable to pay school fees	-	-	1	0,74	93	68,89	41	30,37
3. Helping the school to maintain discipline in order to achieve its aims of creating successful outcomes for learners	-	-	91	67,41	4	2,96	40	29,63
4. Discussing and adopting the code of conduct for learners	90	66,67	42	31,11	2	1,48	1	0,74
5. Assisting my child(ren) to understand the purpose and content of the code of conduct	91	66,41	40	29,63	3	2,22	1	0,74
6. Taking part in deciding on the amount of the school fees to be paid	1	0,74	91	67,41	41	30,37	2	1,48
7. Paying school fees regularly	1	0,75	2	1,49	2	1,49	129	96,27
8. Assisting the school governing body in deciding which parents should not pay school fees	126	93,3	2	1,48	5	3,70	2	1,48
9. Taking part in fund raising organised by the school	1	0,74	127	94,07	5	3,70	2	1,48
10. Assisting the school governing body in drawing up the school budget	88	65,67	4	2,99	1	0,75	41	30,60
11. Supporting the school governing body to implement the resolutions taken at the AGN on the enforcement of payment of school fees	1	0,75	5	3,73	88	65,67	40	29,85
12. Making myself available to serve on the school governing body	-	-	90	66,67	3	2,22	42	31,11
13. Accepting nomination to serve as chairman of the school governing body	1	0,74	91	67,41	1	0,74	42	31,11
14. Attending parent meetings called by the school governing body	-	-	6	4,48	9	6,72	119	88,81
15. Taking part in drawing up and adopting the constitution of the school governing body	1	0,75	87	64,93	44	32,84	2	1,49
16. Taking part in drawing up and adopting the mission statement of the school	3	2,22	87	64,44	44	32,59	1	0,74
17. Supporting the principal, educators and other staff of the school in their professional development	5	3,70	2	1,48	125	92,59	3	2,22
18. Assisting the school governing body in determining the times of the school day	86	64,18	5	3,73	43	32,9	-	-

19. Assisting the school governing body in administering and controlling school property, buildings and grounds	89	66,42	39	29,10	5	3,73	1	0,75
20. Encouraging other stakeholders to offer voluntary services to the school	116	87,22	4	3,01	13	9,77	-	-
21. Serving on committees of the school governing body	2	1,50	3	2,26	117	87,97	11	8,27
22. Helping my child(ren) to do his or her school work	1	0,76	4	3,03	11	8,33	116	87,88
23. Determining the language policy of the school	1	0,76	8	6,11	121	92,37	1	0,76
24. Determining the religious policy of the school	1	0,75	75	3,85	124	95,38	-	-

4.5.2 THE FREQUENCY DISTRIBUTION OF THE ACTIVITIES PARENTS ARE EXPECTED TO PERFORM IN TERMS OF THE LAW

This section deals with the frequency distribution to show how respondents reacted towards the anchors. Table 4.4 analyses the scores.

Item D1: Ensuring that my child(ren) attend school daily

The above-mentioned activity is taken very seriously by most parents as indicated in Table 4.4. The majority (68,89%) of parents are performing this activity to an adequate extent. This is the endorsement of the literature study that parents must make sure that the child attends school in all circumstances (par. 2.9.7).

The reason why this activity is performed to a great extent can be as a result of the rules of the common law that have existed long before the enactment of the Schools Act. Although not phrased in the same words, this activity features in the common law rules that parents have the responsibility to make the child attend school regularly (par. 2.3.7.1).

Item D2: Ensuring that child(ren) attend school even if I am unable to pay school fees

The above-mentioned activity is also performed to an adequate extent. The majority (68,89%) of parents are performing this role according to Table 4.4. This is an indication that the majority of parents are not denying their children

the rights to basic educational as a constitutional right because they are too poor to pay school fees (par. 2.9.8).

Item D3: Helping the school to maintain discipline in order to achieve its aims of creating successful outcomes for learners

The responses of parents in the above-mentioned activity indicate that the majority of parents are not on course with the new rules of maintaining discipline in schools. The majority of parents (67,41%) perform this activity to a lesser extent. The responses are therefore in agreement with the literature study investigation that there has never been training for parents to teach them about the new value of discipline in schools (par. 2.9.1.2).

Also it can mean that most of parents are of the opinion that the principle of "*in loco parentis*" is still valid which allowed teachers to punish children on behalf of parents (par. 2.9.1.3).

Item D4: Discussing and adopting the code of conduct for learners

The responses on the discussion and the adoption of the code of conduct indicate that this activity is neglected by parents. The majority of respondents (66,67%) maintain that the code of conduct is adopted to a nil extent. The implication may be that this is a governance activity to be seen to by the school governing body.

It can also imply that training on such policy matters has only been done for school governing body and not for parents not serving in the school governing body (par. 2.9.2).

Item D5: Assisting my child(ren) to understand the purpose and content of the code of conduct

The responses in Table 4.4 indicate that the majority of parents (66,41%) do not perform this activity to a great extent. The implication may be that the use of the code of conduct is not yet a popular tool to most parents (par. 2.9.2). It may also mean that the school governing bodies have not done enough as

expected by the law to intensively discuss the contents of the code of conduct with parents prior to its adoption (par. 2.9.2).

Item D6: Taking part in deciding on the amount of the school fees to be paid

Parents are not to be blamed for their inadequate performance of the activity. It may be that most of the schools are not using effective ways to teach parents their responsibilities. It may be true that the schools are not using mechanisms such as parent evenings, newsletters and workshops to orientate parents as was highlighted by the literature study (par. 2.10).

According to Table 4.4, this activity is performed by parents to a lesser extent. The majority of parents (67,41%) are not on course with this activity. The reasons behind the responses can be associated with the non-attendance of meetings where decision on the amount of school fees is taken (par. 2.9.4).

Item D7: Paying school fees regularly

The responses to the question of paying school fees regularly are extremely satisfactorily. The majority of parents (96,27%) are responsive in this respect. These are the parents who are responding to the call of the law that they are required to supplement the resources supplied by the state to make basic education a fundamental reality (par. 2.9.8).

Besides, the practice of paying of school fees is not new. It was emphasised by the old regulation such as Gazette No 634 of 18 march 1966 (par. 2.3.2).

Item D8: Assisting the school governing body in deciding which parents should not pay school fees

The frequency analysis on Table 4.4 shows that parents are not performing the above-mentioned activity to a great extent. The majority (93,3%) indicate that this activity is neglected. The non-performance of this activity can be linked with the lack of information by parents on the subject of exemption from paying school fees.

It remains the responsibility of the school governing body and the school managers as stakeholders working closely with parents to make this change legislative era a reality by training parents on the laws.

Item D9: Taking part in fund raising organised by the school

The above-mentioned activity is about the financial responsibilities of parents in terms of section 36 of the Schools Act (par. 2.9.8). The responses indicate that this activity is performed to a lesser extent by parents. About 94,07% of parents are not doing as is expected by the law to be part of the fundraising initiatives to supplement what the state is giving. It may be concluded that maybe the school governing body and the school managers are not coaching parents enough on this activity.

It may also mean that both parties lack the skills on how to raise funds.

Item D10: Assisting the school governing body in drawing up the school budget

The above-mentioned activity is also one of the financial responsibilities of parents. This activity calls upon all parents to attend all meetings such as the AGM wherein financial decisions are taken. The results in Table 4.4 show that this activity is not performed satisfactorily. The majority of parents (65,67%) are not part of this activity. It may also be concluded that the failure to attend meetings on finances is the reason for non-performance (par. 2.9.8).

This state of affairs endorses the findings of the literature study that workshops are conducted for school governing bodies only.

Item D11: Supporting the school governing body to implement the resolutions taken at the AGN on the enforcement of payment of school fees

The frequency analysis on the above activity indicates that parents are performing the activity to an adequate extent. About 65,67% of parents which make a majority, support the school governing body to implement be resolutions taken at the AGM. These are parents who want to make their

partnership with the school governing body ideal by attending all meetings to get information.

Item D12: Making myself available to serve on the school governing body

The results on this activity are not pleasing. The majority (66,67%) of parents perform this activity to a lesser extent. These are parents who do not support governorship of their schools (par. 2.9.4). They may be said to be a group of parents who do not want to manage the affairs of their own schools.

Item D13: Accepting nomination to serve as chairman of the school governing body

This activity, just like item D12, is about the role of parents in school governance. This activity is also performed to a lesser extent. The analysis of Table 4.4 indicates that 67,41% of parents are not taking part in this activity. The most disliked portfolio in the school governing body is the chairmanship (par. 2.9.4).

The reasons that may be linked to the attitude of parents are that this position requires a high level of literacy and competence. These are the skills that many parents lack.

Item D14: Attending parent meetings called by the school governing body

Attendance of meeting called by the school governing body is one of the features of parental accountability (par. 2.9.4). The responses show that the majority (88,81%) of parents perform this activity to a great extent. This indicates that parents are prepared to be in partnership with the school.

Item D15: Taking part in drawing up and adopting the constitution of the school governing body

Table 4.4 indicates that this activity is not well performed by the parents. 64,93% of respondents indicate that they perform this activity to a lesser extent. This number makes up the majority of respondents on this item. The

implication here is that parents have not yet begun to be part of the decision-making processes at the schools. It may also mean that principals do not understand the value of school democratisation (par. 2.7.3.5). As a result of this principals are unable to capacitate parents about their new responsibilities as brought along by the democratisation of the education system.

Item D16: Taking part in drawing up and adopting the mission statement of the school

The frequency analysis according to Table 4.4 shows that the above-mentioned activity is not satisfactorily performed by parents. The majority of parents (64,44%) perform this activity to a lesser extent. This activity is one of the new roles and powers of parents (par. 1). In this way a lot of training is needed for all parents and not only for members of the school governing body (par. 2.13.5).

Item D17: Supporting the principal, educators and other staff of the school in their professional development

This activity is one of the features of parental accountability in the schools. Accountability involves a number of roles. The majority of parents (92,59%) are performing this activity to an adequate extent. The implication here is that these parents realised that their support for the principal, educators and other staff at the school is indispensable.

Item D18: Assisting the school governing body in determining the times of the school day

The above-mentioned activity, according to data in Table 4.4, indicates that parents are not familiar with this activity. The majority (64,18%) indicate that they are not taking part in this activity. The reasons behind the non-performance on this activity can be associated with lack of information on national education policy developments (par. 2.7.3.5). This state of affair also calls for a lot of training to educate parents on the laws.

Item D19: Assisting the school governing body in administering and controlling school property, buildings and grounds

Table 4.4 on the frequency analysis indicates that the activity is performed to the least extent. The majority of parents (66,42%) do not perform this activity. It is clear that the above-mentioned activity is also new, just like the other ones already mentioned. It is also clear that parents need help of some kind to cope with new policy changes (par. 2).

Item D20: Encouraging other stakeholders to offer voluntary services to the school

Table 4.4 shows that the above-mentioned activity is not performed. It may be concluded that this is an unfamiliar role to parents. It may also mean that this is one of the other roles that parents find confusing and challenging as was highlighted in the literature study investigation (par. 2.7.3.5). Table 4.4 shows that 87,22% of parents perform this activity to the least extent.

Item D21: Serving on committees of the school governing body

The responses to this activity according to Table 4.4 indicate that the majority of parents (87,97%) perform this activity to an adequate extent. The responses imply that most of the parents do not want roles that are challenging, like becoming the chairperson (par. 2.9.4). This activity can be compared with Item D13 about serving on the school governing body as chairperson, whereby the majority indicated that they cannot perform that activity.

Item D22: Helping my child(ren) to do his or her school work

The majority of parents (87,88%) perform the above-mentioned activity to a great extent. The above-mentioned activity is not new to most of the parents. It has been emphasised by the common law that parents be involved in helping children with the curriculum work (par. 2.3.6). That is why the majority of parents are still on course with it.

Item D23: Determining the language policy of the school

The responses on the above activity, according to Table 4.4, show that this role is well undertaken by parents. The majority of parents (92,37%) perform this role to an adequate extent. This means that most of the parents want to ensure and protect the right of children to basic education as well as to instruction in the language of their choice.

Item D24: Determining the religious policy of the school

Religion is one of the statuting rights to be promoted by parents in the schools During the old paradigm of parental involvement, many parents used religion to influence the policy of the school (par. 2.5.2). The majority of parents (95,38%) indicate that this activity is performed to an adequate extent. The implication is that historically religion in South Africa has been employed by parents to influence the lives of children positively (par. 2.6).

4.5.3 CONCLUSION

The analysis of the frequency distribution according to Table 4.4 on the activities parents are expected to perform in terms of the law has revealed that parents are not performing most of the activities to the extent expected. The analysis suggests that training of some kind will be a solution to capacitate parents to perform the legislated duties successfully. The following are the activities that parents do not perform to a great extent according to Table 4.4:

- D3: Helping the school to maintain discipline in order to achieve its aims of creating successful outcomes for learners (lesser extent).
- D4: Discussing and adopting the code of conduct for learners (no extent).
- D5: Assisting my child(ren) to understand the purpose and content of the code of conduct (no extent).
- D6: Taking part in deciding on the amount of the school fees to be paid (lesser extent).

- D8: Assisting the school governing body in deciding which parents should not pay school fees (no extent).
- D9: Taking part in fundraising organised by the school (lesser extent).
- D10: Assisting the school governing body in drawing up the school budget (no extent).
- D12: Making myself available to serve on the school governing body (lesser extent).

Most of the activities are not performed as expected except for the following: D1, D2, D7, D11, D14, D17, D21, D22, D23 and D24.

4.5.4 THE INTERPRETATION OF THE MEAN SCORE RATINGS ON ACTIVITIES PARENTS ARE EXPECTED TO PERFORM IN TERMS OF THE LAW

4.5.4.1 Introduction

In order to acquire a clear picture on the extent to which parents perform activities stipulated in the law, the mean score rank order technique was used. Items with the mean scores of less than 2,5 were considered to be of lesser extent and items with the mean scores greater than 2,5 were considered to be of great extent. The mean score of 4,00 was considered as the maximum score. In view of this, mean scores will be arranged in rank order to help reveal the extent to which a particular activity is performed. This will be discussed in three categories: To a great extent, to a lesser extent and to the least extent (Table 4.5).

Table 4.5: The rank order and the mean score ratings on activities parents are expected to perform in terms of the law

Rank order	Activity	Question number	Mean score
1	Paying school fees regularly	D7	3,93
2	Attending parentsmeetings called by the school governing body	D14	3,84
3	Helping my child(ren) to do his/her school work	D22	3,83

4	Ensuring that my child(ren) attend school even if I am unable to pay school fees	D1	3,28
4	Ensuring that my child(ren) attend school daily	D11	3,28
6	Supporting the school governing body to implement the resolutions taken at the AGM on the enforcement of payment of school fees	D11	3,25
7	Serving on committees of the school governing body	D21	3,03
8	Determining the religious policy of the school	D24	2,95
9	Determining the language policy of the school	D23	2,93
9	Supporting the principal, educators and other staff of the school in their professional development	D17	2,93
11	Making myself available to serve on the school governing body	D12	2,64
12	Helping the school to maintain discipline in order to achieve its aims of creating successful outcomes for learners	D3	2,62
12	Accepting nomination to serve as chairman of the school governing body	D13	2,62
14	Taking part in drawing up and adopting the constitution of the school governing body	D15	2,35
15	Taking part in deciding on the amount of the school fees to be paid	D6	2,33
16	Taking part in drawing up and adopting the mission statement of the school	D16	2,32
17	Taking part in fundraising organised by the school	D9	2,06
18	Assisting the school governing body in drawing up the school budget	D10	1,96
19	Assisting the school governing body in determining the times of the school day	D18	1,68
20	Assisting the school governing body in administering and controlling school property, buildings and grounds	D19	1,39
21	Discussing and adopting the code of conduct for learners	D4	1,36
21	Assisting my child(ren) to understand the purpose and content of the code of conduct	D5	1,36
23	Encouraging other stakeholders to offer voluntary services to the school	D20	1,23
24	Assisting the school governing body in deciding which parents should not pay school fees	D8	1,13

4.5.4.2 Activities performed by parents to a great extent

Table 4.5 outlines the activities that are performed to a great extent by the parents in terms of the law. These activities range between the mean score

rating of 3,93 and 3,03 according to Table 4.5. The mean score ratings of these activities are also above the cut-off point of 2,5 and also closer to the maximum of 4,00 (par. 4.5.4.1). They have also been arranged in rank order from number 1 to number 7. The activity which ranks no 1 with the highest mean score of 3,93 is item D: Paying school fees regularly. The last activity in the category of activities performed to a great extent ranks no 7 with the mean score rating of 3,03 is item D21: Serving on committees of the school governing body.

4.5.4.3 Activities performed by parents to a lesser extent

The above-mentioned activities are some of the roles that were discovered by the literature study as new in scope and character (par. 1). Some of the new activities that parents never performed include the following: drawing up and adopting the constitution (D15) as well as the mission statement (D16) of the school. These new policy changes require capacity building for parents to enable them to interpret the laws correctly throughout and avert unfair results (par. 2).

The mean score ratings of activities performed to a lesser extent by parents range from 2,95 to 2,06. The rank ordering starts from number 8 to number 16 according to Table 4.5. These activities are also above the cut-off point of 2,5 but not close to the maximum mean score like the activities performed to a great extent.

The highest activity in this category with the mean score rating of 2,95 and the rank order of number 8 is item D24: Determining the religious policy of the school. The lowest activity in this category with the mean score rating of 2,06 and the rank order of number 16 is item D9: Taking part in fundraising organised by the school.

4.5.4.4 Activities performed by parents to the least extent

The activities performed by parents in this category, according to Table 4.5, are those with the mean score rating below the cut-off point of 2,5 (par. 4.5.4.1). The mean score ratings suggest in the first instance that these are

the activities that parents do not perform at all whilst the law expect them to perform such activities. The mean score in the second instance may be suggesting that parents do not know such activities because these are new in scope and nature (par. 1). The implication may also be that to cope with the new policy changes help of some kind is needed such as capacity building (par. 2).

The highest activity in this category of activities performed to the least extent with the mean score of 1,96 and the rank order number 18 is item D10: Assisting the school governing body in drawing up the school budget. The last one, which is lowest with the mean score rating of 1,13 with the rank order of 24 is item D8: Assisting the school governing body in deciding which parents should not pay school fees.

4.5.4.5 Conclusion

The discussion above, with the help of Table 4.5 on the mean score ratings and the rank order on the activities parents are expected to perform, has shown that there are 3 categories of the extent to which parents perform the legislated activities. This first category is to a great extent with the mean score rating closer to the maximum score of 4,000. The second category is in the group of activities performed to a lesser extent and the last category is a group of activities performed to the least extent with the mean score rating below 2,5. The last two categories suggest that a lot of training is needed to capacitate parents on the legislated activities of parental involvement, thus concurring with the literature study investigation (par. 1.1 & 1.2).

4.6 THE APPLICATION OF THE T-TEST

The t-test was only applied to one item, i.e. gender. The t-test could not be applied to the rest of the items of the biographical information. Most of the items did not yield good results. For instance, on the item of membership it was realised that former members were not included yet they could have contributed significantly in this study. It was also found that most of the respondents were from urban areas. With the rest of the items beside gender

there were no practically significant differences observed. Thus only gender was discussed because it yielded good result of the interpretation of the law.

4.6.1 THE T-TEST

The t-test is a comparison of whether or not the means of the two groups are different enough for the two groups to be considered "significantly" different (Glicken, 2003:203-204; Tuckman, 1994:273-276; Kerr *et al.*, 2003:60-63). The t-test is a formula that generates a number. The sample means, standard deviations and size of the samples are used in the t-test equation to obtain a t-value (Mcmillan & Schumacher, 2001:368-370). The t-test was used in this study in order to determine if there are any significant differences in their responses between females and males. The d-value was also computed to determine the effect sizes of the significant differences. The t-test was used for its reliability to produce accurate probability statements. The formula for calculating the t-value is represented as follows:

$$t = \frac{\bar{x}_1 - \bar{x}_2}{S\bar{x}_1 - \bar{x}_2}$$

where \bar{x}_1 = mean of group 1

\bar{x}_2 = mean of group 2

$S\bar{x}_1 - \bar{x}_2$ = standard error of the difference between the means

4.6.2 THE P-VALUE

The probability value refers to the level of significance obtained after the data have been collected and analysed (Gall *et al.*, 1996:183-187). It indicates whether there are statistically significant differences between the two means of a sample. It is usually indicated by the symbol p. The p-value is expressed as a decimal i.e. 0,5 (Hoyle, 1999:64). A small p-value, e.g. smaller than 0,05, is considered as sufficient evidence that the results are statistically significant (Ellis & Steyn, 2004:1). It tells us how many times out of a hundred or thousand we would be wrong in rejecting the null assuming the null is true (Mcmillan & Schumacher, 2001:364).

In this study,

- The 0,05 (5%) significance level will be utilised to determine if there is any significant differences between female and male respondents.
- p-values greater than ($> 0,05$) indicate no significant differences.
- p-values smaller than ($< 0,05$) indicate differences between female and male respondents.

4.6.3 THE D-VALUE (EFFECT SIZE)

Tuckman (1994:406) defines the effects size as represented by the ratio of the size of a difference between the means of two distributions to their combined standard deviations. It is the degree of difference between treatment and control group means relative to, or divided by the standard deviation of the control group. According to Tuckman (1994:406), mean differences that are 80% the size of relevant standard deviations are large, those of 50% are moderate and those of 20% are small. According to Mcmillan and Schumacher (2001:367-368), the effect size provides an indication of the practical significance or meaningful difference. Gall *et al.* (1996:196), on the other hand, mention that even if the effect size is helpful in assessing the practical significance of the research results, it is by no means an absolute index of practical significance. The effect size, they maintain, is only an aid to interpretation albeit an important one.

In this study the effect size was computed to determine whether the observed differences derived from the t-test can be interpreted to be of practical significance. This was done for differences in responses between male and female respondents. This was achieved by using the following formula (Gall *et al.*, 1996:66; Ellis & Steyn, 2004:3):

$$d = \frac{\bar{x}_1 - \bar{x}_2}{SD_{\max}}$$

where	\bar{x}_1	=	the mean of males
	\bar{x}_2	=	the mean of females
	SD_{\max}	=	the maximum standard deviation (of either
of			the respondents)
	d	=	effect size

The following guidelines were followed when interpreting the effect size (Mcmillan & Schumacher, 2001:368; Tuckman, 1994:262-263; Ellis & Steyn, 2004:4):

d = 0,2 (small effect)

d = 0,5 (medium effect)

d = 0,8 (large effect)

According to Ellis and Steyn (2004:1) data with the effect size of more than 0,8 is practically significant since it is the result of a difference having a large effect. Mcmillan & Schumacher (2001:268), on the other hand, postulate that the effect size can be reported by using various conventions such as the alpha (@). Tuckman (1994:406) mentions that some of the authors and researchers seldom report effect sizes. It therefore remains, according Tuckman (1994:406), to the reader to approximate them. However, this requires that the necessary information be given. It was, therefore, decided in this study to view effect sizes above 0,8 as important. This was because all the respondents were expected to change and show commitments in the activities they were expected to perform according to legislation. This was also to see whether parents needed capacity building on their roles and responsibilities. On this note, only the effect sizes of more than 0,8 would be considered to be of practical significance in this study. Only the d-values were indicated in cases where $p < 0,05$.

4.6.4 PROBABILITY VALUES REGARDING THE WAYS USED BY THE SCHOOL TO GET PARENTS INVOLVED

Table 4.6: p-values on the ways used by the school to assist parents in understanding the laws relating to their involvement in the school

Item	Item description	Males		Females				
		Mean	Sd	Mean	Sd	t	p	D
C1	Parent meetings	2.161	0.370	2.040	0.198	2.42	0.023*	0.327
C2	Parent evenings	1.096	0.393	1.040	0.258	1.00	0.336#	
C3	Newsletters	1.064	0.306	1	0	1.79	0.102#	
C4	Workshops	2.790	0.630	2.849	0.518	0.60	0.558#	
C5	Visits to the school	1.177	0.528	1.094	0.376	1.06	0.303#	
C6	Circuit managers	1.080	0.328	1.095	0.476	0.21	0.827#	

* p < 0,05

No significance

d = 0,2 Small effect

d = 0,5 Medium effect

d = 0,8 Large effect

Table 4.6 presents the probability values regarding the ways used by the school to get parents involved in school matters (Appendix F Section C). From the results in Table 4.6 not many significant values were noticed. This indicates that both male and female parents do not differ significantly in their perceptions on the various ways used in the school to assist them in understanding the laws relating to their involvement in the school. Most of the p-values are not smaller than 0,05 which is the cut-off point for indicating the differences in male and female responses (par. 4.6.2). The only item which is of practical significance is item C1: parent meetings. It has been noted that both categories of respondents view this item as of great importance in receiving education on the laws. It is also notable that the differences between the respondents were of small practical significance (d = 0,327).

The hypothesis that a statistically difference existing between men and women in item C1 is also supported by the difference between the means as shown in Table 4.6. The mean score of men is 2,16 and that of women is

2,04. The difference is relatively great (0,1207). The indication may be that most men view parent meetings as a very important platform where they could get information on matters of the laws relating to their involvement. It could also mean that most of the men had already received information on the statutory laws of their involvement, whilst on the other hand, women do not perceive this way as quite effective in teaching parents laws about their involvement in the school. It could also mean that women have never attended a parent meeting where school laws on parental involvement were discussed.

Significant differences were not found in the following items:

- C2. Parent evenings
- C3. Newsletters
- C4. Workshops
- C5. Visits to the school
- C6. Circuit managers

The results indicate that the perceptions of the groups are the same. Considering the outcomes of these results it can be concluded that most of the schools are not utilising parent evenings to coach parents on the subject of the laws. It can also mean that they are held at awkward times when parents coming from work are exhausted.

Newsletters are also not greatly used by the schools to teach parents the laws. Both groups agree that schools do not use newsletters to teach them those laws. It may also be concluded that there are newsletters sent to parents but they are silent on matters of the laws.

The two groups also do not differ significantly on the role of the workshops in teaching the laws. It may be taken that both groups of respondents have gained a lot from such workshops. It may also, on the other hand, be concluded that both have never benefited adequately from such workshops because in most instances workshops were held only for parents serving in the school governing bodies.

Both groups of respondents on the question of visits to the school i.e. Item C5, do not differ statistically. It can be argued that both groups do not use this method to get abreast on matters as is expected of them. It is also possible that both the male and female respondents have never paid a visit to the school (par. 2.10) or that the environment at the school as a result of the attitude of the principal is not very stimulating at welcoming parents when visiting the school (par. 2.7.3.5).

The perceptions of the respondents on the role of circuit managers are similar. The common views of respondents on this aspect can be explained differently. In the first instance it can suggest that the circuit managers are not effective enough in coaching parents about the laws governing their involvement in school matters. It can also mean that at no given time has circuit managers be seen communicating with parents on matters of the law.

From the results in Table 4.6 it can be deduced that there is a statistical difference between men and women on Item 1, i.e. parent meetings. This is affirmed by the p-value of 0,023 which is smaller than 0,05. In the rest of the items the two groups do not differ statistically. The respondents view the use of the discussed mechanisms of helping the parents to understand the laws in the same way.

4.6.5 PROBABILITY VALUES REGARDING THE ACTIVITIES THAT PARENTS ARE EXPECTED TO CARRY IN TERMS OF THE LAW

Table 4.7: p-values on the activities parents are expected to carry in terms of the law

Item	Males		Females		t	P	d
	Mean	Sd	Mean	Sd			
D1	3.580	0.529	3.027	0.234	8.05	0.001*	1.044
D2	3.580	0.529	3.054	0.229	7.68	0.001*	0.993
D3	3.241	0.952	2.095	0.413	9.30	0.001*	1.202
D4	1.709	0.583	1.068	0.304	8.17	0.001*	1.098
D5	1.709	0.611	1.068	0.304	7.89	0.001*	1.049
D6	2.629	0.579	2.068	0.254	7.47	0.001*	0.967
D7	3.887	0.482	3.972	0.235	-1.32	0.209#	
D8	1.193	0.623	1.082	0.433	1.22	0.238#	
D9	2.112	0.409	2.013	0.203	1.82	0.086#	
D10	2.838	1.450	1.208	0.710	8.44	0.001*	1.123
D11	3.564	0.561	2.972	0.374	7.27	0.001*	1.054
D12	3.225	0.965	2.150	0.518	8.23	0.001*	1.113
D13	3.225	0.982	2.109	0.487	8.55	0.001*	1.136
D14	2.871	0.383	3.819	0.539	0.63	0.521#	
D15	2.688	0.533	2.068	0.304	8.43	0.001*	1.161
D16	2.661	0.510	2.027	0.332	8.67	0.001*	1.242
D17	2.983	0.127	2.890	0.566	1.27	0.174#	
D18	2.258	0.939	1.180	0.564	8.17	0.001*	1.146
D19	1.645	0.575	1.166	0.530	5.00	0.001*	0.831
D20	1.311	0.696	1.152	0.521	1.50	0.145#	
D21	3.016	0.465	3.041	0.353	-0.36	0.728#	
D22	3.8	0.514	3.861	0.483	-0.70	0.486#	
D23	2.950	0.284	2.914	0.329	0.67	0.496#	
D24	2.966	0.182	2.929	0.308	0.80	0.404#	

* p < 0,05

No significance

d = 0,2 Small effect

d = 0,5 Medium effect

d = 0,8 Large effect

Table 4.7 shows that there were statistically significant differences between male and female respondents on the performance of the following legislated activities, viz: D1 to D6, D10 to D13, D15 and D16, D18 and D19. The mean score rating of men regarding Item 1: Ensuring that my child(ren) attend school daily, is much higher than that of women. This indicates that this activity is highly prioritised by men but not by women. Also, this can imply that men have more information on this rule of compulsory attendance as explained in statutes. It is also notable that the difference between the male and female respondents were of large practical significance ($d = 1,044$).

There were also significant differences on the carrying out of D2: Ensuring that my children attend school even if I am unable to pay school fees. The perception of both respondents differs greatly. Men highly support the rule that children cannot be denied their rights towards basic education because parents are poor. They maintain that it is an obligation to ensure that children receive the education which they deserve in all circumstances as was alluded to in this text (par. 2.9.7). Women, on the other hand, view school fees as a requirement for school attendance. Women are still married to the practices of the past era of school management whereby school attendance was determined by school fees. The differences in this item were of large practical significance ($d = 0,993$).

The role of parents in helping the school to maintain discipline in order to achieve its aims of creating successful outcomes for learners (D3) indicate significant differences between male and female respondents. Those differences are of large practical importance ($d = 1,202$). Mostly male respondents understand what this role entails. It also suggests that male respondents are comfortable about performing this role, more so than female respondents.

Discussing and adopting the code of conduct for learners (D4) also indicated practical significant differences between both groups of respondents. Table 4.7 indicates that the mean scores of the two groups differ a lot. Male respondents have more knowledge of this measure of instilling discipline in

schools than women respondents. The effect size is of a large effect ($d = 1,098$).

The role of parents in assisting children to understand the purpose and content of the code of conduct (D5) has also practical significant differences like the previous one, i.e. D4. Both items share the same idea on discipline. The effect size is ($d = 1,049$). These display differences of a large effect. Here also the perception of respondents differs greatly, with males on the understanding side.

The mean score rating of male and female respondents according to Table 4.7 on taking part in deciding on the amount of the school fees to be paid (D6) do not differ greatly. It is noted, however, that the observed differences displayed are of large practical significance ($d = 0,967$). Both groups of respondents revealed different perceptions. The male respondents appeared more knowledgeable than female respondents.

The rest of the activities parents are expected to perform in terms of the law are related to their support towards the school governing bodies of the schools which their children are attending. The following are such activities, which all have practical significances as shown by Table 4.7:

- D10: Assisting the school governing body in up drawing the school budget ($d = 1,123$)
- D11: Supporting the school governing body to implement the resolutions taken at the AGM on the enforcement of payment of school fees ($d = 1,054$)
- D12: Making myself available to serve on the school governing body ($d = 1,113$)
- D13: Accepting nomination to serve as chairman of the school governing body ($d = 1,136$)
- D15: Taking part in drawing up and adopting the constitution of the school governing body ($d = 1,161$)
- D16: Taking part in drawing up and adopting the mission statement of the school ($d = 1,242$)
- D18: Assisting the school governing body in determining the times of the school day ($d = 1,146$)

D19: Assisting the school governing body in administering and controlling school property, buildings and grounds ($d = 0,831$)

Both male and female respondents differ significantly on the above-mentioned roles relating to their support and involvement in the school governing body. The differences in responses between the two vectors were of large practical significance. It has also been noted that in most of the duties men seem to be more knowledgeable than women. In this way it can be concluded that men are more informed than women on parental duties towards the school on matters relating to the functioning of the school governing body.

The aim of the discussion above was to explore the difference between male and female respondents on the activities they are expected to carry out when they are involved with the school. From results in Table 4.7 it can be deduced that there are statistically significant differences between the two groups of respondents. It has also been noted that differences were practically of large effect. It has also been revealed that male respondents were better informed than female respondents.

4.6.6 CHAPTER SUMMARY

This chapter has presented the analysis and interpretation of data. The chapter started by presenting the biographical data of respondents. Throughout the discussion the areas were revealed where parents lack knowledge. Also, the extent to which parents fulfil their duties became apparent.

The chapter also gave an account on the different methods used by the schools to teach parents the laws. To explain such measures the rank order technique was used. The frequency distribution and the mean score ratings were also used to explain the extent to which parents fulfil their duties at the school. The chapter concluded with the discussion on the application of the t-test to account for the statistically significant differences.

The next chapter will present a discussion on the summary, guidelines, findings and recommendations of this study.

CHAPTER 5: SUMMARY, FINDINGS AND RECOMMENDATIONS

5.1 INTRODUCTION

The aim of this chapter is to present an overall summary of the study. The chapter will also provide findings drawn from the results of the empirical research investigations. Finally, the chapter will provide recommendations regarding the educational law perspective on parental involvement in school governance.

5.2 SUMMARY

Chapter 1 outlined how the new educational policies and laws have changed the scope and character of the roles and powers of parents in their involvement with the school. As a result of the new policy changes it became evident that parents needed to be capacitated to gain knowledge and understanding of the new laws. The form that the study would take, was also discussed such as aims of the study, research methods and chapter divisions.

Chapter 2 dealt with the educational law basis for parental involvement in the school system. The different determinants relating to the involvement and powers of parents in school affairs were identified and discussed (par.2.7). The chapter discussed determinants as follows: from yesteryears, international determinants, yesteryears statutory and non-statutory bodies, religion and the new paradigm.

In discussing the national determinants from yesteryears on parental involvement in school affairs, it was shown that a lot of statutory laws existed. It was realised that black parents were able to serve on committee boards, school boards and school committees as a result of the following laws: the White Paper on the Provision of Education of 1983, the National Policy for General Education Affairs, Act no 76 of 1984 and the National Education Policy Amendment Act, Act no 103 of 1986.

The above-mentioned laws formed the basis of the discussion in Chapter 2. The following laws were also scrutinised to show their impact on the role of parents in school affairs: the common law, the customary laws and international laws. The influence of various organisations and institutions such as the church was also discussed.

The second part of this chapter discussed the statutory laws and parents involvement in the new paradigm. A thorough discussion was done on the introduction of the Schools Act as an instrument. This was followed by the discussion on the role of the National Education Policy Act. It was also shown as to how the Constitution as an instrument protecting the rights of parents explains the ideals of the new paradigm of making parents ideal stakeholders in the affairs of the school.

In Chapter 3 an empirical study on the extent of parents' knowledge of the laws, the extent of the various ways used by the school to help parents understand their involvement in terms of the law and finally the extent to which parents are involved in carrying out their duties and responsibilities was undertaken. One hundred and fifty ($N = 150$) parents formed the sample used in the empirical research (par. 3.7). A closed structured questionnaire was used in the study to gather the desired data. Its advantages and disadvantages were discussed. A detailed discussion was also given on the format of the empirical research design.

Chapter 4 presented the data analysis and interpretation. This was done by means of tables dealing with rank order, frequencies and the mean scores. The t-test was also applied to analyse and interpret data that was collected. The findings of the techniques used in this chapter were explained and discussed.

5.3 RESEARCH FINDINGS

This section of the work concludes the findings of the research the way they have been mentioned under the aims of the study (par. 1.2). Findings of this research are concluded from both the literature study and the empirical study.

5.3.1 FINDINGS ON AIM 1: TO DETERMINE THE UNDERPINNINGS OF PARENTAL INVOLVEMENT IN SCHOOL GOVERNANCE

With regard to the above-mentioned aim, the following findings can be made:

- The rights and responsibilities of parents in school governance are directed by a series of legislation, inter alia, the South African Schools Act (Schools Act), No 84 of 1996, the National Education Policy Act, no 27 of 1996 and the Constitution of the Republic of South Africa, Act no 108 of 1996. The parents are therefore expected to understand such legislation to be able to interpret them accordingly (par. 2.1).
- The Schools Act has named parents as important components in the education system by proclaiming through section 23(9) that they are to be in a majority in the school governing body and that a parent be the chairperson of the school governing body (par. 2.1).
- Parents in the school governing body deal with policy matters. For instance, they determine admission policies, religious policies, draw up the constitution, adopt the code of conduct and handle finances of the school. The Schools Act in this way has granted parents maximum legal powers (par. 2.2.4, 2.6.3.2).
- The Schools Act view parents as very significant partners by giving its own definition of what "a parent is" (par. 2.2.1). The definition is widely inclusive to cater for the diverse population of learners. The aim is to ensure that parents through statutes have a greater say in the education of their children.
- Even if the past education system was based on racism, discrimination and centralisation, there were statutes that considered parental

involvement as a prerequisite for effective education management. One such statute was the Education Policy Act, Act no 39 of 1967 (par. 2.3.1).

- The common law also motivated parents to participate meaningfully in the education of their children. Most of the rights and responsibilities of parents in the education of their children originate from this old legal literature (par. 2.3.6).
- The customary law with its character moulding initiatives for black children was used adequately by parents. This law compelled parents to prepare their children appropriately for life (par. 2.3.7).
- Parental involvement has always been recognised in several international determinants. Accordingly, such declarations placed a parent as a social component capable of bringing about quality education (par. 2.3.9).
- Both the statutory and non-statutory parent bodies of yesteryears organised parents to be servants of the school their children are attending. In South Africa the non-statutory body such as the PTSA, contribute a lot towards building the new democratic education system (par. 2.4).
- Christian religion as a determinant in South Africa has influenced many parents to get involved in the affairs of the school. As a result of the baptismal vows parents make undertakings that they will support the education of their children by becoming partners with the school. Parents in this way resolve to support the school in its programmes: curriculum, discipline, governance and policy making (par. 2.5).
- The Constitution, Act no 108 of 1996 has an immense impact on the rights of parents as stakeholders. The Constitution is the source of law of education because it controls the legal system of the country. It recognises and protects a diversity of human rights of stakeholders in providing education. It remains the duty of parents to see to it that the

statutory rights are applied properly by the schools to the benefit of their children (par. 2.7.1).

- The rights and responsibilities of parents in addition to the Constitution are extended by the National Education Policy Act. Section 39 of the National Education Policy Act stresses the rights and obligations with regard to: governance, school budget, school fees and the Code of Conduct (par. 2.7.2).
- School managers as officers of the Department of Education are not doing enough to encourage parents to get involved.
- Parents are expected to manage the administration of admission of their children to a public according to the provisions of the Act (par. 2.9.6).
- Parents are further charged with the responsibility of making the child attend school regularly in all circumstances. In terms of the Schools Act, section 3, subsections 5 and 6, provide measures shall be taken against any parent who deliberately makes it difficult for the child to attend school as is required by the law (par. 2.9.7).
- The law also views parents as serious partners in matters relating to discipline of learners at school. All parents are expected to encourage learners to take the contents of the Code of Conduct very seriously. Parents are expected to discuss the contents of the Code of Conduct with their children at home (par. 2.9.2).
- The school cannot operate without the financial support of the parents. The law expects parents to supplement the resources supplied by the state to make basic education as a fundamental right a reality. This can be achieved by paying school fees regularly and by raising funds for the school (par. 2.9.8).

In this way the aims of Chapter 2 have been achieved.

5.3.2 FINDINGS ON AIM 2: TO CONDUCT AN EMPIRICAL RESEARCH ON THE EDUCATIONAL LAW ISSUES RELATING TO PARENTAL INVOLVEMENT IN SCHOOL GOVERNANCE

The findings in respect of the empirical investigation on the educational law perspective on parental involvement may be summarised as follows:

- It has emerged from this study through the usage of the frequencies that there is a number of important laws that parents do not know. Most of the parents according to the findings lack knowledge on the rules of admission of learners, do not know that they can be sued for outstanding school fees, do not know that they can be exempted from paying school fees, do not know that they are to constitute a majority in the school governing body, and do not know how teachers are appointed to permanent posts (Table 4.2, par. 4.3.2). This situation suggests that parents need a lot of training to cope with these new laws and to apply them (par. 2).
- The above-mentioned situation of not knowing the laws can be attributed to the failure of schools (school managers) to teach parents the laws. It has been revealed that schools are not employing sufficient methods to increase the knowledge of the laws as well as practise of the laws by the parents. The most popular method used by the schools are workshops. The most least method used by the schools are newsletters (Table 4.3, par. 4.4.2 and 4.4.3).
- In this study it has also emerged that the activities which parents are expected to perform in terms of the law are three fold (Table 4.4 and 4.5, par. 4.5.2). The first group are activities informed to a great extent, whilst the second group are activities performed to the lesser extent and the final group to the least extent. The activities falling in the last two categories concur with the literature study investigation that a capacity building of some kind is needed to help the parents to understand and apply the laws correctly (par. 1 and 2).

- There was a statistically significant difference between the opinions of male and female parents regarding "parents meetings" as one of the ways used by the school to teach parents the laws. The differences were of small practical significance (Table 4.6, par. 4.6.4).
- Statistically significant differences were also observed between the opinions of male and female parents regarding the activities parents are expected to perform in terms of the law. The differences were practically of large effect (Table 4.7, par. 4.6.5).

5.4 RECOMMENDATIONS

As a result of the above-mentioned literature study and empirical study findings, the following recommendations are proposed:

Recommendation 1

The school manager should selflessly act as a source of information.

Motivation

It is the responsibility of the school manager to educate parents on the laws relating to their involvement in the running of the schools. The new educational era requires from the school manager flexibility, wisdom and a sensitive insight into the needs of the parents. They are expected to share their knowledge and understanding of the laws with the parents. They should share with the parents the information they have received on the laws from the workshops, seminars and most importantly, through studies at universities. The different methods should be used frequently to teach the parents the laws such as parent meetings, parent evenings, newsletters, workshops, visits of parents to the school and the use of circuit managers to address parents on the importance of the laws.

Recommendation 2

The Department of Education should inform all parents on statutes.

Motivation

The empirical study has revealed that the majority of parents do not know the statutes relating to their involvement. The adequate understanding of statutes depends on training. All parents and not only the school governing bodies should be trained at least annually to capacitate them to fully understand the laws so that they can apply them correctly.

Recommendation 3

The school governing body should do advocacy and popularisation of legislation to all parents.

Motivation

The school governing body should help the school manager to fully develop and empower parents at the school. With the knowledge they have gained from workshops they should teach parents to be on course with the law. Attention should be given to the correct interpretation on the provisions of the School Act and other related legal literature. In so doing parents will realize that even if they are not elected onto the school governing body they are obliged to be involved in the affairs of the school in many ways.

Recommendation 4

Statutes should be written in all eleven official languages.

Motivation

The language used to write statutes is English and is not simple. The definitions and concepts are not easily interpreted. If they can be written in the language of everyone's choice comprehension will come very easily. At the same time knowledge and application will come automatically.

Recommendation 5

The Department of Education should develop a parent handbook on guidelines of the laws.

Motivation

This can go a long way towards improving the knowledge of the rights and responsibilities of parents. The sections of the handbook should deal with the following rights and obligations:

- Admission of learners to a public school.
- School fees.
- Governance.
- Compulsory school attendance.
- Discipline.

Recommendation 6

The legal sub-committee of the school governing body should continuously do an audit on the activities parents are expected to perform in terms of the law.

Motivation

It was revealed in the empirical research investigation that the majority of the parents are not fully performing their obligations to a great extent. The legal committee should therefore apply different methods to ascertain whether parents are performing their activities the way it is expected by the law. The committee can use questionnaires that can be filled in with ease. The contents should be based on the duties parents are expected to perform when involved with the school. The responses will indicate whether training is needed or not.

Recommendation 7

Parent associations should be set up by the Department of Education.

Motivation

Parent associations serve as avenues of interaction. Parents will orientate one another about the statutes relating to their involvement in the affairs of the

school. As a result of the exchange of information on the statutes more knowledge of the laws will be gained. The knowledge of the laws carry with it the responsibility to be supportive of the school policies.

Recommendations for further research

The purpose of this study was to determine the educational law perspective of parental involvement in school governance. It is recommended that further research studies be undertaken in the following:

- The leadership role of school managers at teaching parents school laws.
- The relevance of the provisions of the Schools Act to promote parental involvement.
- The extent of the school governing bodies training for capacity building.

5.5 CHAPTER SUMMARY

This study has outlined the perception of the current education era on the statutory roles of parents in the governance of the school. The present educational dispensation has brought along with it a series of legislations to improve the involvement of parents in schools as a way of democratising the running of schools. More effective parental involvement, therefore, rests on the knowledge of the new statutes. Since that this study has revealed that parents remain behind as far as matters of the laws are concerned and also on the other hand that parents are not performing their roles on the expected level, the education department is compelled to provide capacity building programmes for the development of parents to perform their functions effectively.

It is hoped that the recommendations made in this research paper will help to develop parents to understand and fulfil their rights and responsibilities in terms of the new era. Finally, parental involvement remains the key factor for

the organisation and governance of the schools in South Africa. It is, therefore, fitting to continuously undertake research studies on this subject.

BIBLIOGRAPHY

- ADAM, N. 1992. Your school and the law. Oxford : Heinemann. 218 pp.
- ANON. 1988. Increased parental involvement in education. *Educamus* (1988) 34:9, p. 5, Oct.
- ANON. 1989. New Black Council. *Educamus* (1989) 35:5, p. 5. May.
- ANON. 1998. Behaviour and discipline sections 613 and 615. *Teaching exceptional children*, 30(4):32–34, Mar/April.
- ANON. 1998. Summaries of judgements given by the Constitutional Court of South Africa. Vol 1. Yeoville : Sigma. 42 pp.
- ANON. 1999. Towards effective school management and governance. Guides for school governing bodies. CTP Printers. 32 pp.
- ANON. 2001. Note to parents: the children are watching. *The Reporter*, 60(2):6, Winter. [In EBSCO HOST: Academic].
- ANON. 2003 Guide for the research essay. Vista University. 44 pp.
- ANON. 2004. Edunews. North-West Department of Education, 16:10-11. Jan.
- BADENHORST, J. & SCHEEPERS, L. 1995. School management training. Pretoria : Kagiso. 119 pp.
- BARTON, C. & DOUGLAS, G. 1995. Law and parenthood. London : Butterworths. 468 pp.
- BECKMANN, J.L. & VAN DER BERG, D. 1995. Teacher professionalism and order in education. (In Oosthuizen, I.J. International perspectives on education Law as an instrument for order in education. Potchefstroom : PU for CHE. 246 pp.

- BECKMANN, J.L. & VISSER, P.J. 1999. Some legal aspects of capacity building for public school governors. *De Jure*, 32(1):152-160.
- BECKMANN, J.L., KLOPPER, J.C., MAREE, L.M., PRINSLOO, J.G. & ROOS, C.M. 1995. *Schools and the Constitution*. Pretoria : Via Afrika. 73 pp.
- BELTER, C.A. 1997. Parental rights legislation: a bad idea. *Educational leadership*, 55:84-86. November.
- BENNET, N., GLATTER, R. & LEVAC'IC, R. 1994. *Improving educational management: through research and consultancy*. London: British Library. 378 pp.
- BEST, J.W. & KAHN, J.V. 1993. *Research in education*. 2nd ed. USA: Library of Congress. 435 pp.
- BIERLEIN, L.A. 1993. *Controversial issues in Educational Policy*. California: SAGE. 169 pp.
- BISCHOFF, T. & PHAKOA, T.S. 1999. The status of minors in governing bodies of public secondary schools. *SA Journal of Education*, 19(2):89-93.
- BOSHOF, E. & MORKEL, P. 1999. *Education law and policy handbook*. Western Cape : Juta.
- BROWN, S.G. 1991. *Education in the developing world*. London : Longman. 332 pp.
- BUSH, T. & GAMAGE, D. 2001. Models of self-governance in schools: Australia and the United Kingdom. *International Journal of Education Management*, 15(1):39-44.
- BUSH, T. & HEYSTEK, J. 2003. School governance in South Africa. *Compare*, 33(2):128-138.
- BUTTERWORTHS. 2003. *Statutes of South Africa Repealed*.

CALITZ, L, FUGLESTAD, O.L. & LILLEJORD, S. 2002. Leadership in Education. Cape Town : Heineman.

CAMP, E.W., CONNELLY, M.J. LANE, K.E. & MEAD, J.F. 2000. The principal's legal handbook. Ohio : Education Law Association. 409 pp.

CHEUNG, W.M., CHENG, Y.C & JAM, W.M. Indigenous Perspective of Educational management. (A conceptual for implementing and managing parental involvement in school Education : 1996 8th International Conference of the Common Wealth Council for Educational Administration, Kuala Lumpur: pp. 1-26.)

COLYN, R., GRESSE, I., NAUDE, J., DU PLESSIS, L., SEROTE, A. & VAN WYK, T.A. 1994. Study Manual: Education 2. College for Continuing Education. Pretoria. 309 pp.

DE GROOF, J. & BRAY, E. 1996. Education under the new Constitution in SA. Leuveniacco. 371 pp.

DEPARTMENT OF NATIONAL EDUCATION. 1997. *Quality education for all*. Report of the NCSENT and NCESS. Pretoria : Government Printer.

DETRICK, S. 1992. The UN Convention on the Rights of the Child. London : Martinus Nijhoff Publishers. 712 pp.

DU PREEZ, P.J. 2003. Effective Management Series Module 1. Principles of Effective Education Management. Parklane : Heineman. 110 pp.

ELLIS S.M. & STEYN, H.S. 2004. Practical significance versus or in combination with statistical significance. PUCHE. 10 pp.

ENGELBRECHT, P., GREEN, L., NAICKER, S. & ENGELBRECHT, S. 1999. Inclusive Education in South Africa. Pretoria : Van Schaik. 195 pp.

ESSEX, N.L. 1999. School law and the public schools. *A practical guide for Educational Leaders*. USA : Library of Congress. 231 pp.

FLAXMAN, E. & INGER, M. 1992. Parents and schooling in the 1990s. *Education Digest*, 57(9):3-5.

FREDERIKSE, J. 1992. All schools for all children. New York : Oxford. 135 pp.

GALL, M.D., BORG, W.R. & GALL, J.P. 1996. Educational research: an introduction. New York: Longman. 788 pp.

GILES, G.B. 1994. The responsibilities of the governing body of the state-aided school. (Thesis – M.Ed.) 164 pp.

GILES, G.B. 1995. Educational law and teacher competence as an aspect of educational management. (In Oosthuizen, I.J. International perspectives of educational law : Law as an instrument for order in education. Potchefstroom : PU for CHE. pp. 55-59.)

GLICKEN, M.D. 2003. Social research: a simple guide. USA Library of Congress. 282 pp.

GREEN, S. 2000. Research methods: in healthy social and early years care. United Kingdom : Stanley Thorness. 176 pp.

GRIFFITH, J. 2001. Principal leadership of parent involvement. *Journal of Educational Administration*, 39(2):162-186.

GROBLER, B.R. 1998. Management of the school in context. Pretoria : ABC. 121 pp.

HEIBERG, P.J. 1994. Parents in partnership. *Education and Culture*, (1994) 17:1. pp. 45-50.

HEYSTEK, J. 1999. Parents as partners in black schools. So important but why so unreliable. *Koers*, 64(1):97-11. April.

HEYSTEK, J. & LOUW, E.M. 1999. Parental participation in school activities is it sufficient. *SA Journal of Education*, 19(1):21-27. February.

- HLATSHWAYO, B.C. 1996. *Black parents perceptions of their educational responsibility in a changing educational dispensation*. Durban : UZ. 275.
- HOYLE, R.H. 1999. Statistical strategies for small sample research. USA Library of Congress. 366 pp.
- ILLUSTRATED OXFORD DICTIONARY. 1998. Great Britain : Oxford University Press.
- KARLSSON, J. 2002. the role of democratic governing bodies in South African schools. *Comparative Education*, 38(3):327-336.
- KEEVES, J.P. 1997. Educational research, methodology and measurement: an international handbook. 2nd ed. UK: British Library. 1054 pp.
- KERR, A.W., HALL, H.H. & KOZUB, S.A. 2003. Doing statistics with SPSS. UK Library of Congress. 238 pp.
- KEYTER, J.J. 1995. Ouerbetrokkenheid. *Woord & Daad*, 35(352):11-14. Winter.
- KLICKA, C.J. & PHILLIPS, D.W. 1997. Why parental rights laws are necessary. *Educational leadership*, 55:80-83. November.
- KOK, J.C. & MUBURGH, C.P.H. 1995. Fasette van die dissiplinering van kinders: 'n empiriese studie. *SA Journal of education*, 15(1):34–40, Feb.
- LEMMER, E.M. 2002. *Tydskrif vir Christelike Wetenskap*, 38,3/4:197-215.
- LOOCK, C.F. 1998. Educational leadership: A guide to educators and managers in education. Pretoria : Amabhuku. pp. 1-5.
- MAHOMED, I., OLIVIER, P.J.J., MOKGORO, J.Y. & NHLAPO. R.T. 1998. South African Law Commission. The harmonisation of the common law and indigenous law: conflicts of law. Law Commission : Pretoria. 109 pp.
- MAKOANYANE, J.M. 1989. Structures for parental involvement in schools for Blacks with special reference to the Vaal Triangle. Vanderbijlpark : PU for CHE. 196 pp.

MARLOW, C. 1993. Research methods for general social work. California : Brooks. 330 pp.

MAY, T. 1993. Social research: issues, methods and process. Britain: Library of Congress. 193 pp.

MCMILLAN, J.H. & SCHUMACHER, S. 2001. Research in education: a conceptual introduction. USA Library of Congress.

MONGAKE, V.M.M. 2001. Governance effectiveness at Kediemetse Public School (1994 – 1999). Potchefstroom : PU for CHE. 79 pp.

MOUTON, J. 1996. Understanding social research. Pretoria: Van Schaik. 272 pp.

NEUMAN, W.L. 2000. Social research methods: qualitative and quantitative approaches. USA: Library of Congress. 558 pp.

Ng. S.W. 1999. Test your commitment to accountability. *Thrust for educational leadership*, 28(3):13, Jan/Feb.

NORTH WEST PROVINCE DEPARTMENT OF EDUCATION. 2000. Handbook for the Representative Councils of Learners in Public Schools. Sandton : Heinemann.

OOSTHUIZEN, I.J. (ed) 1994. Aspects of educational law for educational management. Pretoria : Van Schaik. 187 pp.

OOSTHUIZEN, I.J. (ed) 1995. International perspectives on education law : Law as an instrument for order in education. Potchefstroom : PU for CHE. 246 pp.

PARDINI, P. 1995. Force parents to be involved. *The school administrator*, 60:21–25, May.

PATEL, E.M. & WATTERS, C. 1994. Human Rights, Fundamental Instruments and Documents. Butterworths : Cape Town. 531 pp.

PFUKANI, P.P. 1999. Studies of education in Zimbabwe. (*In* Cowdens, E.M, Chikombah, B.R.S., Maravanyika, O.E., Nyagura, L.M. & Sibanda, G.M. Review of education sector Analysis in Zimbabwe 1990 – 1996. France : UNESCO. 87 pp.)

POTGIETER, J.M., VISSER, P.J., VAN DER BANK, A.J., MOTHATA, M.S. & SQUELCH, J.M. 1997. Understanding the SA Schools Act. What public governors need to know. Pretoria : CTP. 68 pp.

RAUTENBACH, I.M. & MALHERBE, E.F.J. 1996. Constitutional Law. Durban : Butterworths. 374 pp.

SAYED, Y. & CARRIM, N. 1997. Democracy participation and equity educational governance. *SA journal of education*, 17(3):91-8.

SCHIMMEL, D. & FISCHER, L. 1987. Parents, schools and the law. Columbia : Library of Congress. 280 pp.

SHABA, S.M. 1998. Educational Law in South FRICA: A guide to educators and management education. Pretoria : ABC Press. 70 pp.

SHABA, S.M. 2003. Effective Education Management Series Module 4. SA Law in Education. Parklane : Heinemann. 133 pp.

SHARP, J. & HOWARD, K. 1996. The management of a student research project. 2nd ed. USA: Gower. 220 pp.

SHORT, W.C. 1997. School in the middle welcoming parents. *Theory into practice*, 7(1):33–34, Sept/Oct.

SMIT, E.J.P. 1997. Law, government and people. Durban : Butterworths. 77 pp.

SOUTH AFRICA, DEPARTMENT OF EDUCATION. 1996. The Organisation, Governance and funding of schools. Pretoria : Government Printers.

SOUTH AFRICA, DEPARTMENT OF EDUCATION. 1996. White Paper 2. The organisation, governance and funding of schools. Pretoria : State Printers. 368 pp.

SOUTH AFRICA, Department of Education. 1998. Employment of Educators Act no 76. Pretoria : State Printers.

SOUTH AFRICA. 1996. Constitution of the Republic of South Africa as adopted by the Constitutional Assembly on 8 May 1996 and as amended on 11 October 1996. (B34B-96) (ISBN: 0-260-20716-7).

SOUTH AFRICA. Act 84 of 1996.

SOUTH AFRICA. Department of Education. 1999. *Toward effective school management and governance: Guides for school governing bodies*. CTP Printers. 32 pp.

STEYN, A.G.W., SMIT, C.F., DU TOIT, S.H.C. & STRASHEIM, C. 1994. Modern statistic in practice. Pretoria: Van Schaik. 739 pp.

STEYN, H.J., STEYN, S.C. & DE WAAL, E.A.S. 1998. The South African Education system. *Core Characteristics*. Noordburg : Keurkopie.

THE TEACHER. 2001. First steps to running a school. *The Teacher*, 5(6):16, June.

THOMAS, R.M. 1998. Conducting educational research: a comparative view. USA: Greenwood. 384 pp.

TOWNSEND, T. 1989. Official recognition of the Federation of parents Associations. *Education and Culture*, 12(1):30-31.

TUCKMAN, B.W. 1994. Conducting educational research. USA Library of Congress. 548 pp.

VAN DER WERF, G., CREEMERS, B. & GULDEMOND, H. 2001. Improving parental involvement in primary education in Indonesia: Implementation, effects and costs. (*In* Creemers, B.P.M. & Reynolds, D., eds. School

effectiveness and school improvement : the Netherlands : Swetz & Zeitlinger. 2001.)

VAN DER WESTHUIZEN, P.C. & MOSOGE, M.J. 1998. An emerging vision for education management development in South Africa. *Koers*, 63(i):41-55.

VAN DER WESTHUIZEN, P.C. & MOSOGE, M.J. 2001. Optimising parental involvement in school activities: Problems facing principals. PU for CHE. pp. 16.

VAN HEERDEN, B. & CLARK, B. 1995. *SA Law Journal*, pp. 140-151.

VAN WYK, J.G. 1987. The law of education for the teacher. Pretoria : Academica. 144 p.p.)

VAN WYK, J.G. 1996. The sources of the law of education. (*In* Badenhorst, D.C. School Management: The task and role of the teacher. Pretoria : Penrose. pp. 161–177.)

VIVIAN. 1994. Sharing the responsibility. *Essence*, 25(5):108, Sept. [*in* EBSCO HOST: Academic search premier, full text display : <http://www.sa.ebsco.com>] [date of access : 1 September 2001].

WEETO, M.H. 1997. Problem principals experience in optimising parental involvement in school activities. Potchefstroom: PU for CHE. (Dissertation-M.Ed.) 132 pp.

WEETO, M.H. 1997. *Problems principals experience in optimising parental involvement in school activities*. Potchefstroom : PU for CHE. 132 pp.

WOLFENDALE, SHEILA. 1992. Primary school and special needs: policy, planning and provision. London : Cassel. 179 pp.

XABA, M.I. 1999. Management development as a task of school managers at institution al level. (Thesis-PHD.) 359 pp.

YSSELDYKE, E., JAMES, E. & ALGOZZINE, B.O.B. 1995. Special Education : A practical Approach for Teachers. USA : Library of Congress. 523 pp.

SA LAW REPORTS

Danielle Antonie v SGB, The Settlers High School and Others 2000/3791

Douglas Hoërskool en Ander v Premier Noord-Kaap en Andere 1994 4 SA 1131 (NC)

Matekane and Others v Laerskool Potgietersrus 1996 3 SA 223 (T)

S v Williams 1995 3 SA 632 (CC), 1995 7 BCLR 861 (CC)

Tyala Harris v Department of Education 2001

APPENDIX A

T.P. MABOE
P.O. BOX 3036
LICHTENBURG
2740
22 DECEMBER 2003

THE DISTRICT MANAGER
THE DEPARTMENT OF EDUCATION
LICHTENBURG DISTRICT OFFICE
P. BAG X12005
LICHTENBURG
2740

DEAR SIR


PERMISSION TO CONDUCT A RESEARCH IN 25 SCHOOLS IN YOUR DISTRICT

I TP. MABOE EDUCATOR AT BODIBE MIDDLE SCHOOL AND A RESEARCH STUDENT AT POTCHEFSTROOM UNIVERSITY FOR CHRISTIAN HIGHER EDUCATION REQUEST PERMISSION TO CONDUCT A RESEARCH IN YOUR DISTRICT USING A QUESTIONNAIRE TO GATHER DATA. THE DETAILS OF THE RESEARCH ARE AS FOLLOWS:

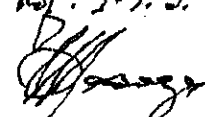
TOPIC: AN EDUCATIONAL LAW PERSPECTIVE FOR PARENTAL INVOLVEMENT IN SCHOOL GOVERNANCE
AIMS OF THE RESEARCH (INTER ALIA): TO DETERMINE THE EXTENT TO WHICH SCHOOLS IMPLEMENT THE PROVISIONS OF THE LAW CONCERNING THEIR INVOLVEMENT.

I PROMISE TO KEEP THE INFORMATION I SHALL GATHER IN A STRICT CONFIDENCE AND ALSO NO IDENTIFICATION OF SCHOOLS WILL BE MADE AFTER THE COMPLETION OF THE REPORT.

YOURS FAITHFULLY



T.P. MABOE


Mr. M. J. Masoge (Supervisor).

APPENDIX B



Department of Education
Lefapha La Thuto
Departement van Onderwys

Office of the DM
Formo Building
Cr Melville & Bantjes Str
Private bag X12005
Lichtenburg, 2740
Tel (018) 632 7070
6327097/91/44/93
Fax (018) 632 4288

LICHTENBURG DISTRICT

To: Circuit Managers
Itsoseng & Bodibe
Principals of schools affected

From: Lichtenburg District Office

Date: 26 February 2004

**SUBJECT: REQUEST TO CONDUCT RESEARCH IN 25 SCHOOLS IN THE
ITSOSENK AND BODIBE CIRCUITS**

Permission is granted to Mr. T.P. Maboe, an educator at Bodibe Middle School to conduct research at the attached schools.

Your usual cooperation is highly valued.

DISTRICT MANAGER
M.S. NKONE



Re a dira mo dikolong □ One work in one skole □ We are working in our schools □ Re a sobetsa dikolong
Siyaabenz' ozikoleni □ Ha tirha ozikoleni □ Re a shuma zwikoleni □ Siya sobentsa ozikoleni
□ Siyaabenz' ozikolwagi □ Siya berenga ozikoleni



The following are the 25 schools that have been randomly selected for the research.

1. Baitshoki High School
2. Motlhatswa Primary School
3. Moakaneng Primary School
4. Popagano Middle School
5. Bophirima High School
6. Lore Primary School
7. Opadiatla Primary School
8. Tswelelopele High School
9. Regolotswe High School
10. F.M. Ramaboa Commercial School
11. Ramatlakana Middle School
12. Boiteko Primary School
13. Dingake Primary School
14. Bodibe Middle School
15. Makgwe Primary School
16. Matlaba Primary School
17. Naletsana Primary School
18. Mokakana Primary School
19. E.H. Mogase Primary School
20. Shudintle Middle School
21. Tau Rapulana High School
22. Motlhako Primary School
23. Molekana Primary School
24. A.G. Malebe Middle School
25. Tsholofelo Primary School

APPENDIX C

For office use

Questionnaire number			
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 (1-3)

QUESTIONNAIRE ON THE EDUCATIONAL LAW PERSPECTIVE ON PARENTAL INVOLVEMENT IN THE SCHOOL

SECTION A: BIOGRAPHICAL INFORMATION

Complete the following section by marking with an X the number that represents your answer.

1. AGE

1.1	21 – 30 years	1	(4)
1.2	31 – 40 years	2	
1.3	41 – 50 years	3	
1.4	Over 50	4	

2. GENDER

2.1	Male	1	(5)
2.2	Female	2	

3. MEMBERSHIP OF SGB

3.1	Member	1	(6)
3.2	Not a member	2	

4. HOW LONG HAS YOUR CHILD BEING ATTENDING THIS PRESENT SCHOOL?

4.1	0 – 1 years	1	(7)
4.2	2 – 3 years	2	
4.3	4 – 5 years	3	
4.4	5 – 6 years	4	
4.5	Above 6 years	5	

5. TYPE OF SCHOOL

5.1	Primary School	1	(8)
5.2	Higher Primary School	2	
5.3	Middle School	3	
5.4	High School	4	

6. LOCATION OF SCHOOL

6.1	Rural	1	(9)
6.2	Urban	2	

SECTION B:

Answer by marking "TRUE" or "FALSE". Make a cross in "1" if it is true and "2" if it is false.

1.	No learner may be refused admission because parents are unable to pay school fees	1	2	(10)
2.	A school can sue parents for outstanding school fees	1	2	(11)
3.	The parent body decide on the school fees to be paid	1	2	(12)
4.	Rich parents may be exempted from paying school fees	1	2	(13)
5.	Parents in the SGB are to constitute a majority of members	1	2	(14)
6.	Parents who are employed at school cannot represent the parents on the SGB	1	2	(15)
7.	The chairperson of the SGB should be the school principal	1	2	(16)
8.	Parents in the SGB appoint teachers in permanent posts	1	2	(17)
9.	The term of office of parents in the SGB is five years	1	2	(18)
10.	Every parent has to cause the child to attend school	1	2	(19)

SECTION C:

MARK WITH AN X THE NUMBER REPRESENTS THE EXTENT TO WHICH THE FOLLOWING WAYS ARE USED IN THE SCHOOL TO ASSIST YOU IN UNDERSTANDING THE LAWS RELATING TO YOUR INVOLVEMENT IN THE SCHOOL

1. NO EXTENT
2. LESSER EXTENT
3. ADEQUATE EXTENT
4. GREAT EXTENT

Parents are informed about the laws concerning their involvement in the school through:

1.	Parent meetings	1	2	3	4	(20)
2.	Parent evenings	1	2	3	4	(21)
3.	Newsletters	1	2	3	4	(22)
4.	Workshops	1	2	3	4	(23)
5.	Visits to the school	1	2	3	4	(24)
6.	Circuit managers	1	2	3	4	(25)

SECTION D: ACCORDING TO THE LAW, PARENTS MUST BE INVOLVED IN CARRYING OUT THE FOLLOWING ACTIVITIES:

INDICATE BY MEANS OF AN X ON THE NUMBER THAT BEST REPRESENT THE EXTENT TO WHICH YOU CARRY OUT THE FOLLOWING ACTIVITIES

1. NO EXTENT
2. LESSER EXTENT
3. ADEQUATE EXTENT
4. GREAT EXTENT

1.	Ensuring that my child(ren) attend school daily	1	2	3	4	(25)
2.	Ensuring that my child(ren) attend school even if I am unable to pay school fees	1	2	3	4	(26)
3.	Helping the school to maintain discipline in order to achieve its aims of creating successful outcomes for learners	1	2	3	4	(27)
4.	Discussing and adopting the code of conduct for learners	1	2	3	4	(28)
5.	Assisting my child(ren) to understand the purpose and content of the code of conduct	1	2	3	4	(29)
6.	Taking part in deciding on the amount of the school fees to be paid	1	2	3	4	(30)
7.	Paying school fees regularly	1	2	3	4	(31)
8.	Assisting the School Governing Body in deciding which parents should not pay school fees	1	2	3	4	(32)
9.	Taking part in fund raising organised by the school	1	2	3	4	(33)
10.	Assisting the School Governing Body in drawing the school budget	1	2	3	4	(34)
11.	Supporting the SGB to implement the resolutions taken at the AGM on the enforcement of payment of school fees	1	2	3	4	(35)
12.	Making myself available to serve on the School Governing Body	1	2	3	4	(36)
13.	Accepting nomination to serve as Chairman of the School Governing Body	1	2	3	4	(37)
14.	Attending parent meetings called by the School Governing Body	1	2	3	4	(38)
15.	Taking part in drawing and adopting the constitution of the School Governing Body	1	2	3	4	(39)
16.	Taking part in drawing and adopting the mission statement of the school	1	2	3	4	(40)
17.	Supporting the principal, educators and other staff of the school in their professional development	1	2	3	4	(41)
18.	Assisting the School Governing Body in determining the times of the school day	1	2	3	4	(42)
19.	Assisting the School Governing Body in administering and controlling school property, buildings and grounds	1	2	3	4	(43)
20.	Encouraging other stakeholders to offer voluntary services to the school	1	2	3	4	(44)
21.	Serving on committees of the School Governing Body	1	2	3	4	(45)
22.	Helping my child(ren) to do his or her school work	1	2	3	4	(46)
23.	Determining the language policy of the school	1	2	3	4	(47)
24.	Determining the religious policy of the school	1	2	3	4	(48)